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No. 42] NEW DELHI, OCTOBER 12-OCTOBER 18, 2008, SATURDAY/ASVINA 20-ASVINA 26, 1930

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पुश्तक संकलन के रूप में रखा जा सके
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

वित्त मंत्रालय

(राजस्व विभाग)

(केन्द्रीय प्रत्यक्ष कर बोर्ड)

नई दिल्ली, 1 अक्टूबर, 2008

क्र.आ. 2875 .—सर्वसाधारण की जानकारी के लिए एतद्वारा यह अधिसूचित किया जाता है कि केन्द्र सरकार द्वारा आयकर नियमावली, 1962 (उक्त नियमावली) के नियम 5ग और 5ड के साथ पठित आयकर अधिनियम, 1961 (उक्त अधिनियम) की धारा 35 की उप-धारा (1) के खण्ड (ii) के प्रयोजनार्थ दिनांक 1-4-2008 से संगठन नेशनल हेल्थ एण्ड एजुकेशन सोसाइटी, (पी. डी. हिन्दूजा नेशनल हास्पिटल एंड मेडिकल रिसर्च सेंटर), मुम्बई को निम्नलिखित शर्तों के अधीन आंशिक रूप से अनुसंधान कार्यकलापों में संलग्न अन्य संस्था' की श्रेणी में अनुमोदित किया गया है, नामतः :-

- (i) अनुमोदित संगठन को प्रदत्त राशि का उपयोग वैज्ञानिक अनुसंधान के लिए किया जाएगा;
- (ii) अनुमोदित संगठन अपने संकाय सदस्यों अथवा इसके नामांकित छात्रों के माध्यम से वैज्ञानिक अनुसंधान को जारी रखेगा;

(iii) अनुमोदित संगठन वैज्ञानिक अनुसंधान के लिए इसके द्वारा प्राप्त राशि के संबंध में अलग खाता बही रखेगा जिसमें अनुसंधान करने के लिए प्रयुक्त राशि दर्शाई गई हो, उक्त अधिनियम की धारा 288 की उप-धारा (2) के स्पष्टीकरण में यथा परिभाषित किसी लेखाकार से ऐसी खाता-बही की लेखा परीक्षा कराएगा और उक्त अधिनियम की धारा 139 की उप-धारा (1) के अंतर्गत आय की विवरणी प्रस्तुत करने की नियत तिथि तक ऐसे लेखाकार द्वारा विधिवत् सत्यापित एवं हस्ताक्षरित लेखा परीक्षा रिपोर्ट मामले में क्षेत्राधिकार रखने वाले आयकर आयुक्त अथवा आयकर निदेशक को प्रस्तुत करेगा।

(iv) अनुमोदित संगठन वैज्ञानिक अनुसंधान के लिए प्राप्त दान तथा प्रयुक्त राशि का अलग विवरण रखेगा और उपर्युक्त लेखा परीक्षा रिपोर्ट के साथ लेखा परीक्षक द्वारा विधिवत् सत्यापित विवरण की प्रति प्रस्तुत करेगा।

2. केन्द्र सरकार यह अनुमोदन वापिस ले लेगी यदि

अनुमोदित संगठन :-

- (क) पैराग्राफ 1 के उप-पैराग्राफ (iii) में उल्लिखित लेखा बही नहीं रखेगा; अथवा

- (ख) पैराग्राफ 1 के उप-पैराग्राफ (iii) में उल्लिखित अपनी लेखा परीक्षा रिपोर्ट प्रस्तुत नहीं करेगा; अथवा
- (ग) पैराग्राफ 1 के उप-पैराग्राफ (iv) में उल्लिखित वैज्ञानिक अनुसंधान के लिए प्राप्त दान एवं प्रयुक्त राशि का अपना विवरण प्रस्तुत नहीं करेगा; अथवा
- (घ) अपना अनुसंधान कार्यकलाप करना बंद कर देगा अथवा इसके अनुसंधान कार्य कलाप को जारी नहीं रखेगा; अथवा
- (ङ) उक्त नियमों की नियम 5ग और 5ड के अन्तर्गत उक्त अधिनियम की धारा 35 की उप-धारा (1) के खण्ड (ii) के उपबंधों के अनुरूप नहीं होगा तथा उनका पालन नहीं करेगा।

[अधिसूचना सं. 95/2008/फा. सं. 203/43/2008-आ.नं.वि.-II]

न्यू जौहरी, निर्देशक (आ.नं.वि.-II)

MINISTRY OF FINANCE

(Department of Revenue)

(CENTRAL BOARD OF DIRECT TAXES)

New Delhi, the 1st October, 2008

S.O. 2875.—It is hereby notified for general information that the organization National Health & Education Society, (P.D. Hinduja National Hospital and Medical Research Centre), Mumbai has been approved by the Central Government for the purpose of clause (ii) of sub-section (1) of Section 35 of the Income-tax Act, 1961 (said Act), read with Rules 5C and 5E of the Income-tax Rules, 1962 (said Rules), with effect from 1-4-2008 in the category of 'other institution', partly engaged in research activities subject to the following conditions, namely:—

- The approved organization shall be utilized for scientific research;
- The approved organization shall carry out scientific research through its faculty members or its enrolled students;
- The approved organization shall maintain a separate record of its receipts and expenditure and shall submit the accounts prepared in accordance with the provisions of such books as may be prescribed by the Commissioner in the explanation to sub-section (1) of Section 288 of the said Act and furnished by the auditor and audit duly signed and verified by the auditor to the Commissioner of Income-tax having jurisdiction over the area, by the due date of furnishing the return of the year under sub-section (1) of Section 139 of the said Act;

- The approved organization shall maintain a separate statement of donations received and amounts applied for scientific research and a copy of such statement duly certified by the auditor shall accompany the report of audit referred to above;

2. The Central Government shall withdraw the approval if the approved organization:—

- fails to maintain separate books of accounts referred to in sub-paragraph (iii) of paragraph 1; or
- fails to furnish its audit report referred to in sub-paragraph (iii) of paragraph 1; or
- fails to furnish its statement of the donations received and sums applied for scientific research referred to in sub-paragraph (iv) of paragraph 1; or
- ceases to carry on its research activities or its research activities are not found to be genuine; or
- ceases to conform to and comply with the provision of clause (ii) of sub-section (1) of Section 35 of the said Act read with rules 5C and 5E of the said Rules;

[Notification No. 95/2008 F.No.203/43/2008-ITA-II]

RENU JAUHLI, Director (ITA-II)

(वि नीय सेवाएं विभाग)

नई दिल्ली, ४ अक्टूबर, 2008

का.आ. 2876 .— राष्ट्रीयकृत बैंक (प्रबन्ध एवं प्रकीर्ण उपग्रंथ) स्कीम, 1970/1980 के खण्ड 3 के उप-खण्ड (1) और खण्ड 8 के उप-खण्ड (1) के साथ पठित, बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970/1980 की धारा 9 की उप-धारा (3) के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केंद्रीय सरकार, एतद्द्वारा, भारतीय रिजर्व बैंक के परामर्श से, श्री एस. सी. सिन्हा (जन्मतिथि : 31-7-1952) महान्तराध्यक्ष, पूँजीय बैंक ऑफ इंडिया (पूँजीय बैंक) द्वारा कर्तव्य की तारीख से और आदेश की तारीख से, 1-4-2008, 2008 तक, अर्थात् जिस दिनांक से अधिकाधिक 10 वर्षों के लिए, या जो पहले हो, रिजर्व बैंक ऑफ इंडिया के अधिकाधिक निदेशक (कार्यपालक निदेशक) के रूप में पदस्थ रहेंगे, को, नियुक्त करने है।

[सं. 95/2008/फा.नं.203/43-वी.आं.-II]

श्री की. एच. उप सचिव

(Department of Revenue, Finance)

New Delhi, the 1st October, 2008

S.O. 2876.—In exercise of the powers conferred by clause (a) of sub-section (3) of Section 9 of the Banking Companies

(Acquisition and Transfer of Undertakings) Act, 1970/1980, read with sub-clause (1) of clause 3, sub-clause (1) of clause 8 of the Nationalized Banks (Management and Miscellaneous Provisions) Scheme, 1970/1980, the Central Government, after consultation with Reserve Bank of India, hereby appoints Shri S. C. Sinha, (DoB : 31-7-1952), General Manager, Union Bank of India as a whole time director (designated as Executive Director) Oriental Bank of Commerce, from the date of his taking over charge of the post and until further orders or till the date of his superannuation i.e. upto 31st July, 2012, whichever is earlier.

[F. No. 9/18/2007-B.O.-I]

G. B. SINGH, Dy. Secy.

नई दिल्ली, 8 अक्टूबर, 2008

का.आ. 2877.—राष्ट्रीयकृत बैंक (प्रबन्ध एवं प्रकीर्ण उपबंध) स्कीम, 1970/1980 के खण्ड 3 के उप-खण्ड (1) और खण्ड 8 के उप-खण्ड (1) के साथ पठित, बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970/1980 की धारा 9 की उप-धारा (3) के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, भारतीय रिजर्व बैंक के परामर्श से, श्री विनोद कुमार नागर (जन्मतिथि : 24-7-1951), महाप्रबंधक, पंजाब नेशनल बैंक को उनके पदभार ग्रहण करने की तारीख से और अगला आदेश होने तक अथवा 31 जुलाई, 2011 तक, अर्थात् जिस दिन वे अधिवर्षिता की आयु पूरी करेंगे, जो भी पहले हो, सिंडिकेट बैंक के पूर्णकालिक निदेशक (कार्यपालक निदेशक के रूप में पदनामित) के रूप में नियुक्त करती है।

[फा. सं. 9/18/2007-बीओ-1]

जी.बी. सिंह, उप सचिव

New Delhi, the 8th October, 2008

S.O. 2877.—In exercise of the powers conferred by clause (a) of sub-section (3) of Section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970/1980, read with sub-clause (1) of clause 3, sub-clause (1) of clause 8 of the Nationalized Banks (Management and Miscellaneous Provisions) Scheme, 1970/1980 the Central Government, after consultation with the Reserve Bank of India, hereby appoints Shri Vinod Kumar Nagar, (DoB : 24-7-1951) General Manager, Punjab National Bank as a whole time director (designated as Executive Director) Syndicate Bank, from the date of his taking over charge of the post and until further orders or till the date of his superannuation i.e. upto 31st July, 2011, whichever is earlier.

[F. No. 9/18/2007-B.O.-I]

G. B. SINGH, Dy. Secy.

नई दिल्ली, 8 अक्टूबर, 2008

का.आ. 2878.—राष्ट्रीयकृत बैंक (प्रबन्ध एवं प्रकीर्ण उपबंध) स्कीम, 1970/1980 के खण्ड 3 के उप-खण्ड (1) और खण्ड 8 के उप-खण्ड (1) के साथ पठित, बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970/1980 की धारा 9 की उप-धारा (3) के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, भारतीय रिजर्व बैंक के परामर्श से, श्री एस. सी. कालिया (जन्मतिथि : 6-8-1951), महाप्रबंधक, बैंक ऑफ बड़ौदा को उनके पदभार ग्रहण करने की तारीख से और अगला आदेश होने तक अथवा 31 अगस्त, 2011 तक, अर्थात् जिस दिन वे अधिवर्षिता की आयु पूरी करेंगे, जो भी पहले हो, विजया बैंक के पूर्णकालिक निदेशक (कार्यपालक निदेशक के रूप में पदनामित) के रूप में नियुक्त करती है।

[फा. सं. 9/18/2007-बीओ-1]

जी.बी. सिंह, उप सचिव

New Delhi, the 8th October, 2008

S.O. 2878.—In exercise of the powers conferred by clause (a) of sub-section (3) of Section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970/1980, read with sub-clause (1) of clause 3, sub-clause (1) of clause 8 of the Nationalized Banks (Management and Miscellaneous Provisions) Scheme, 1970/1980, the Central Government, after consultation with Reserve Bank of India, hereby appoints Shri S. C. Kalia, (DoB : 6-8-1951), General Manager, Bank of Baroda as a whole time director (designated as Executive Director) Vijaya Bank, from the date of his taking over charge of the post and until further orders or till the date of his superannuation i.e. upto 31st August, 2011, whichever is earlier.

[F. No. 9/18/2007-B.O.-I]

G. B. SINGH, Dy. Secy.

नई दिल्ली, 14 अक्टूबर, 2008

का.आ. 2879.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार, भारतीय रिजर्व बैंक की सिफारिश पर, एतद्वारा, घोषणा करती है कि उक्त अधिनियम की धारा 10 की उप-धारा (1) के खण्ड (ग) के उप-खण्ड (झ) के उपबंध यूनियन बैंक ऑफ इंडिया पर लागू नहीं होंगे, जहां तक उनका संबंध यूनियन बैंक ऑफ इंडिया के अध्यक्ष एवं प्रबंध निदेशक श्री एम.जी. नायर का एआईसीटीई के राष्ट्रीय प्रत्यापन बोर्ड के निदेशक मंडल में निदेशक का पद ग्रहण करने से है।

[फा. सं. 20/5/2005-बीओ-1]

जी.बी. सिंह, उप सचिव

New Delhi, the 14th October, 2008

S.O. 2879.—In exercise of the powers conferred by Section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Government of India on the recommendation of the Reserve Bank of India, hereby declare that the provisions of sub-clause (i) of clause (c) of sub-section (1) of Section 10 of the said Act shall not apply to Union Bank of India in so far as it relates to taking up directorship of Shri M. V. Nair, Chairman & Managing Director, Union Bank of India on the Board of National Board of Accreditation of AICTE.

[F. No. 20/5-2005-B-1]

G. B. SINGH, Dy. Secy.

नई दिल्ली, 15 अक्टूबर, 2008

का.आ. 2880.—राष्ट्रीयकृत बैंक (प्रबन्ध एवं प्रकीर्ण उपबंध) स्कीम, 1970/1980 के खण्ड 3 के उप-खण्ड (1) और खण्ड 8 के उप-खण्ड (1) के साथ पठित बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970/1980 की धारा 9 की उप-धारा 3 के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, भारतीय रिजर्व बैंक के परामर्श से, यूनाइटेड बैंक ऑफ इंडिया के महाप्रबंधक श्री अनूप शंकर भट्टाचार्य (जन्म तिथि : 03-01-1952) को उनके पदभार ग्रहण करने की तारीख से और 31-01-2012 तक, अर्थात् अधिवर्षिता की तारीख तक अथवा अगला आदेश होने तक, जो भी पहले हो, इंडियन बैंक के पूर्णकालिक निदेशक (कार्यपालक निदेशक के रूप में पदनामित) के रूप में नियुक्त करती है।

[फा. सं. 9/16/2008-बीओ-1]

जी.बी. सिंह, उप-सचिव

New Delhi, the 15th October, 2008

S.O. 2880.—In exercise of the powers conferred by clause (a) of sub-section (3) of Section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970/1980, read with sub-clause (1) of clause 3, sub-clause (1) of clause 8 of the Nationalized Banks (Management and Miscellaneous Provisions) Scheme, 1970/1980, the Central Government, after consultation with the Reserve Bank of India hereby appoints Shri Anup Sankar Bhattacharya, (DoB : 03-01-1952), General Manager, United Bank of India as a whole time director (designated as Executive Director) Indian Bank from the date of his taking over charge and upto 31-01-2012 i.e. the date of his superannuation or until further orders, whichever is earlier.

[F. No. 9/16/2008-B O-1]

G. B. SINGH, Dy. Secy.

नई दिल्ली, 15 अक्टूबर, 2008

का.आ. 2881.—राष्ट्रीयकृत बैंक (प्रबन्ध एवं प्रकीर्ण उपबंध) स्कीम, 1970/1980 के खण्ड 3 के उप-खण्ड (1) और खण्ड 8 के उप-खण्ड (1) के साथ पठित बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970/1980 की धारा 9 की उप-धारा 3 के

खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, भारतीय रिजर्व बैंक के परामर्श से, बैंक ऑफ बड़ौदा के महाप्रबंधक श्री बी. ए. प्रभाकर (जन्म तिथि : 04-08-1953) को उनके पदभार ग्रहण करने की तारीख से और 31-08-2013 तक, अर्थात् अधिवर्षिता की तारीख तक अथवा अगला आदेश होने तक, जो भी पहले हो, बैंक ऑफ इंडिया के पूर्णकालिक निदेशक (कार्यपालक निदेशक के रूप में पदनामित) के रूप में नियुक्त करती है।

[फा. सं. 9/16/2008-बीओ-1]

जी.बी. सिंह, उप-सचिव

New Delhi, the 15th October, 2008

S.O. 2881.—In exercise of the powers conferred by clause (a) of sub-section (3) of Section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970/1980, read with sub-clause (1) of clause 3, sub-clause (1) of clause 8 of the Nationalized Banks (Management and Miscellaneous Provisions) Scheme, 1970/1980, the Central Government, after consultation with the Reserve Bank of India hereby appoints Shri B.A. Prabhakar (DoB : 04-08-1953), General Manager, Bank of Baroda as a whole time director (designated as Executive Director) Indian Bank from the date of his taking over charge and upto 31-08-2013 i.e. the date of his superannuation or until further orders.

[F. No. 9/16/2008-B.O-1]

G. B. SINGH, Dy. Secy.

नई दिल्ली, 15 अक्टूबर, 2008

का.आ. 2882.—राष्ट्रीयकृत बैंक (प्रबन्ध एवं प्रकीर्ण उपबंध) स्कीम, 1970/1980 के खण्ड 3 के उप-खण्ड (1) और खण्ड 8 के उप-खण्ड (1) के साथ पठित बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970/1980 की धारा 9 की उप-धारा 3 के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, भारतीय रिजर्व बैंक के परामर्श से, बैंक ऑफ बड़ौदा के महाप्रबंधक श्री अशित पाल (जन्म तिथि : 28-11-1950) को उनके पदभार ग्रहण करने की तारीख से और 30-11-2010 तक, अर्थात् अधिवर्षिता की तारीख तक अथवा अगला आदेश होने तक, जो भी पहले हो, कार्पोरेशन बैंक के पूर्णकालिक निदेशक (कार्यपालक निदेशक के रूप में पदनामित) के रूप में नियुक्त करती है।

[फा. सं. 9/16/2008-बीओ-1]

जी.बी. सिंह, उप-सचिव

New Delhi, the 15th October, 2008

S.O. 2882.—In exercise of the powers conferred by clause (a) of sub-section (3) of Section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970/1980, read with sub-clause (1) of clause 3, sub-clause (1) of clause 8 of the Nationalized Banks (Management and Miscellaneous Provisions) Scheme, 1970/1980, the Central Government, after consultation with the Reserve Bank of India hereby appoints Shri Asit Pal (DoB : 28-11-1950) General Manager, Bank of Baroda as a whole time director (designated as Executive Director)

Corporation Bank from the date of his taking over charge and upto 30-11-2010 i.e. the date of his superannuation or until further orders, whichever is earlier.

[F.No. 9/16/2008-B.O.-I]

G. B. SINGH, Dy. Secy.

नई दिल्ली, 15 अक्टूबर, 2008

का.आ. 2883.—राष्ट्रीयकृत बैंक (प्रबन्ध एवं प्रकीर्ण उपबंध) स्कीम, 1970/1980 के खण्ड 3 के उप-खण्ड (1) और खण्ड 8 के उप-खण्ड (1) के साथ पठित बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970/1980 की धारा 9 की उप-धारा (3) के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, भारतीय रिजर्व बैंक के परामर्श से, देना बैंक के महाप्रबंधक श्री एम. जी. संघवी (जन्म तिथि : 12-6-1953) को उनके पदभार ग्रहण करने की तारीख से और 30-6-2013 तक, अर्थात् अधिवर्षिता की तारीख तक अथवा अगला आदेश होने तक, जो भी पहले हो, बैंक ऑफ महाराष्ट्र के पूर्णकालिक निदेशक (कार्यपालक निदेशक के रूप में पदनामित) के रूप में नियुक्त करती है।

[फा. सं. 9/16/2008-बीओ-1]

जी.बी. सिंह, उप सचिव

New Delhi, the 15th October, 2008

S.O. 2883.—In exercise of the powers conferred by clause (a) of sub-section (3) of Section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970/1980, read with sub-clause (1) of clause 3, sub-clause (1) of clause 8 of the Nationalized Banks (Management and Miscellaneous Provisions) Scheme, 1970/1980, the Central Government, after consultation with the Reserve Bank of India hereby appoints Shri M.G. Sanghvi (DoB : 12-6-1953) General Manager, Dena Bank as a whole time director (designated as Executive Director) Bank of Maharashtra from the date of his taking over charge and upto 30-6-2013 i.e. the date of his superannuation or until further orders, whichever is earlier.

[F.No. 9/16/2008-B.O.-I]

G. B. SINGH, Dy. Secy.

नई दिल्ली, 15 अक्टूबर, 2008

का.आ. 2884.—राष्ट्रीयकृत बैंक (प्रबन्ध एवं प्रकीर्ण उपबंध) स्कीम, 1970/1980 के खण्ड 3 के उप-खण्ड (1) और खण्ड 8 के उप-खण्ड (1) के साथ पठित बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970/1980 की धारा 9 की उप-धारा (3) के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, भारतीय रिजर्व बैंक के परामर्श से, केनरा बैंक के कार्यपालक निदेशक श्री जी. एस. वेदी (जन्म तिथि : 28-6-1950) को उनके पदभार ग्रहण करने की तारीख से और 30-6-2010 तक, अर्थात् अधिवर्षिता की तारीख तक अथवा अगला आदेश होने तक, जो भी पहले हो, पंजाब एण्ड सिंध बैंक के कार्यपालक निदेशक के रूप में नियुक्त करती है।

[फा. सं. 9/16/2008-बीओ-1]

जी.बी. सिंह, उप सचिव

New Delhi, the 15th October, 2008

S.O. 2884.—In exercise of the powers conferred by clause (a) of sub-section (3) of Section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970/1980, read with sub-clause (1) of clause 3, sub-clause (1) of clause 8 of the Nationalized Banks (Management and Miscellaneous Provisions) Scheme, 1970/1980, the Central Government, after consultation with the Reserve Bank of India hereby appoints Shri G. S. VEDI (DoB : 28-6-1950) Executive Director, Canara Bank as Executive Director, Punjab and Sind Bank from the date of his taking over charge and upto 30-6-2010 i.e. the date of his superannuation or until further orders, whichever is earlier.

[F.No. 9/16/2008-B.O.-I]

G. B. SINGH, Dy. Secy.

नई दिल्ली, 15 अक्टूबर, 2008

का.आ. 2885.—राष्ट्रीयकृत बैंक (प्रबन्ध एवं प्रकीर्ण उपबंध) स्कीम, 1970/1980 के खण्ड 3 के उप-खण्ड (1) और खण्ड 8 के उप-खण्ड (1) के साथ पठित बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970/1980 की धारा 9 की उप-धारा 3 के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, भारतीय रिजर्व बैंक के परामर्श से, बैंक ऑफ इंडिया के महाप्रबंधक श्री सुंदरराजन रमन (जन्म तिथि : 7-9-1952) को उनके पदभार ग्रहण करने की तारीख से और 30-9-2012 तक, अर्थात् अधिवर्षिता की तारीख तक अथवा अगला आदेश होने तक, जो भी पहले हो, यूनियन बैंक ऑफ इंडिया के पूर्णकालिक निदेशक (कार्यपालक निदेशक के रूप में पदनामित) के रूप में नियुक्त करती है।

[फा. सं. 9/16/2008-बीओ-1]

जी.बी. सिंह, उप सचिव

New Delhi, the 15th October, 2008

S.O. 2885.—In exercise of the powers conferred by clause (a) of sub-section (3) of Section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970/1980, read with sub-clause (1) of clause 3, sub-clause (1) of clause 8 of the Nationalized Banks (Management and Miscellaneous Provisions) Scheme, 1970/1980, the Central Government, after consultation with the Reserve Bank of India hereby appoints Shri Sunderrajan Raman (DoB : 7-9-1952) General Manager, Bank of India as a whole time director (designated as Executive Director) Union Bank of India from the date of his taking over charge and upto 30-9-2012 i.e. the date of his superannuation or until further orders, whichever is earlier.

[F.No. 9/16/2008-B.O.-I]

G. B. SINGH, Dy. Secy.

(व्यय विभाग)

नई दिल्ली, 8 अक्टूबर, 2008

का.आ. 2886.—केन्द्रीय सरकार, सरकारी स्थान (अप्राधिकृत अधिभोगियों की बेदखली) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार (व्यय विभाग) की अधिसूचना का.आ. 1467 तारीख 29 मई, 1989 को उन बातों के सिवाय अधिकृत करते हुए जिन्हें ऐसे अधिक्रमण से पूर्व किया गया है या करने का सोच किया गया है, नीचे सारणी के स्तंभ (1) में उल्लिखित अधिकारी को, जो केन्द्रीय सरकार के राजपत्रित अधिकारी की रैंक के समतुल्य अधिकारी हैं, उक्त अधिनियम के प्रयोजन के लिए संपदा अधिकारी नियुक्त करती है, जो उक्त सारणी के स्तंभ (2) में तत्स्थानी प्रविष्टि में विनिर्दिष्ट सभी सरकारी स्थानों की बाबत अपनी अधिकारिता की स्थानीय सीमाओं के भीतर उक्त अधिनियम द्वारा या उसके अधीन संपदा अधिकारी को प्रदत्त शक्तियों का प्रयोग और उस पर अधिरोपित कर्तव्यों का पालन करेगा।

सारणी

अधिकारी का पदनाम	सरकारी स्थानों के प्रवर्ग और अधिकारिता की स्थानीय सीमाएं
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(1)	(2)
वरिष्ठ उप महालेखाकार (प्रशासन), या उप महालेखाकार (प्रशासन) प्रधान महालेखाकार का कार्यालय (सिविल लेखापरीक्षा), उड़ीसा भुवनेश्वर।	भुवनेश्वर स्थित प्रधान महालेखाकार (सिविल लेखापरीक्षा), उड़ीसा, भुवनेश्वर के प्रशासनिक नियंत्रण के अन्तर्गत परिसर।

टिप्पण : एक समय में केवल एक अधिकारी संपदा अधिकारी के कृत्यों को निर्वहन करेगा।

[फा. सं. ए-11013/1/2001-ईजी]

आर. प्रेम आनंद, अवर सचिव

(Department of Expenditure)

New Delhi, the 8th October, 2008

S.O. 2886.—In exercise of the powers conferred by Section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971) and in supersession of notification of the Government of India (Department of Expenditure) bearing No. S.O. 1467 dated 29th May, 1989 except as respect of things done or omitted to have been done before such supersession, the Central Government hereby appoints the officer mentioned in Column (1) of the Table below, being the officer equivalent to the rank of Gazetted Officer of the Central Government to be the Estate Officer for the purpose of the said Act, who shall exercise the powers conferred and perform the duties imposed on Estate Officer by or under the said Act, within the local limits of his jurisdiction in respect of all the public premises specified in corresponding entry in column (2) of the said Table.

TABLE

Designation of the Officer	Categories of the public premises and local limits of jurisdiction
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(1)	(2)
Sr. Deputy Accountant General (Administration) or Deputy Accountant General (Administration) of Office of the Principal Accountant General (Civil Audit), Orissa, Bhubhaneshwar.	Premises under the Administrative Control of Principal Accountant General (Civil Audit), Orissa, Bhubhaneshwar.

Note : At a given point of time only one officer shall discharge the functions of Estate Officer.

[F. No. A-11013/1/2001-EG]

R. PREMANAND, Under Secy.

नई दिल्ली, 8 अक्टूबर, 2008

का.आ. 2887.—केन्द्रीय सरकार, सरकारी स्थान (अप्राधिकृत अधिभोगियों की बेदखली) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए नीचे सारणी के स्तंभ (1) में उल्लिखित अधिकारी को, जो केन्द्रीय सरकार के राजपत्रित अधिकारी की रैंक के समतुल्य अधिकारी हैं, उक्त अधिनियम के प्रयोजन के लिए संपदा अधिकारी नियुक्त करती है, जो उक्त सारणी के स्तंभ (2) में तत्स्थानी प्रविष्टि में विनिर्दिष्ट सभी सरकारी स्थानों की बाबत अपनी अधिकारिता की स्थानीय सीमाओं के भीतर उक्त अधिनियम द्वारा या उसके अधीन संपदा अधिकारी को प्रदत्त शक्तियों का प्रयोग और उस पर अधिरोपित कर्तव्यों का पालन करेगा।

सारणी

अधिकारी का पदनाम	सरकारी स्थानों के प्रवर्ग और अधिकारिता की स्थानीय सीमाएं
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(1)	(2)
वरिष्ठ उप महालेखाकार (प्रशासन), या उप महालेखाकार (प्रशासन) प्रधान महालेखाकार का कार्यालय अरुणाचल प्रदेश, इटानगर।	इटानगर स्थित महालेखाकार अरुणाचल प्रदेश, इटानगर के प्रशासनिक नियंत्रण के अन्तर्गत परिसर।

टिप्पण : एक समय में केवल एक अधिकारी संपदा अधिकारी के कृत्यों को निर्वहन करेगा।

[फा. सं. ए-11013/1/2001-ईजी]

आर. प्रेम आनंद, अवर सचिव

New Delhi, the 8th October, 2008

S.O. 2887.—In exercise of the powers conferred by Section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971) the Central Government hereby appoints the officer mentioned in Column (1) of the Table below, being the officer equivalent to the rank of Gazetted Officer of the Central Government, to be the Estate Officer for the purpose of the said Act, who shall exercise the powers conferred and perform the duties imposed on Estate Officer by or under the said Act, within the local limits of his respective jurisdiction in respect of all the public premises specified in corresponding entry in Column (2) of the said Table.

TABLE

Designation of the Officer	Categories of the public premises and local limits of jurisdiction
(1)	(2)
Sr. Deputy Accountant General (Administration) or Deputy Accountant General (Administration) of office of the Accountant General Arunachal Pradesh Itanagar.	Premises under the Administrative Control of Accountant General Arunachal Pradesh, Itanagar at Itanagar.
Note : At a given point of time only one officer shall discharge the functions of Estate Officer.	

[F. No. A-11013/1/2001-EG]

R. PREM ANAND, Under Secy.

नई दिल्ली, 8 अक्टूबर, 2008

क।आ. 2888 —केंद्रीय सरकार, सरकारी स्थान (अग्रधिकृत अधिभोगियों की बेदखली) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, नीचे सारणी के स्तंभ (1) में उल्लिखित अधिकारी को, जो केंद्रीय सरकार के राजपत्रित अधिकारी की रैंक के समतुल्य अधिकारी है, उक्त अधिनियम के प्रयोजन के लिए संपदा अधिकारी नियुक्त करती है, जो उक्त सारणी के स्तंभ (2) में तत्स्थानी प्रविष्टि में विनिर्दिष्ट सभी सरकारी स्थानों को बाबत अपनी अधिकारिता की स्थानीय सीमाओं के भीतर उक्त अधिनियम द्वारा या उसके अधीन संपदा अधिकारी को प्रदत्त शक्तियों का प्रयोग और उस पर अधिरोपित कर्तव्यों का पालन करेगा।

सारणी

अधिकारी का पदनाम	सरकारी स्थानों के प्रवर्ग और अधिकारिता की स्थानीय सीमाएं
(1)	(2)
वरिष्ठ उप महालेखाकार (प्रशासन), या उप महा-लेखाकार (प्रशासन) महालेखाकार का कार्यालय मिजोरम, आईजाल।	आईजाल स्थित महालेखाकार, मिजोरम, आईजाल के प्रशासनिक नियंत्रण के अन्तर्गत परिसर।
टिप्पण : एक समय में केवल एक अधिकारी संपदा अधिकारी के कृत्यों का निर्वहन करेगा।	

[फा. सं. ए-11013/1/2001-ईजी]

आर. प्रेम आनंद, अवर सचिव

New Delhi, the 8th October, 2008

S.O. 2888 —In exercise of the powers conferred by Section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971) the Central Government hereby appoints the officer mentioned in Column (1) of the Table below, being the officer equivalent to the rank of Gazetted Officer of the Central Government, to be the Estate Officer for the purpose of the said Act, who shall exercise the powers conferred and perform the duties imposed on Estate Officer by or under the said Act, within the local limits of his respective jurisdiction in respect of all the public premises specified in corresponding entry in Column (2) of the said Table.

TABLE

Designation of the Officer	Categories of the public premises and local limits of jurisdiction
(1)	(2)
Sr. Deputy Accountant General (Administration) or Deputy Accountant General (Administration) of office of the Accountant General Mizoram, Aizawl.	Premises under the Administrative Control of Accountant General Mizoram, Aizawl at Aizawl.
Note : At a given point of time only one officer shall discharge the functions of Estate Officer.	

[F. No. A-11013/1/2001-EG]

R. PREM ANAND, Under Secy.

विदेश मंत्रालय

(सीपीवी प्रभाग)

नई दिल्ली, 1 अक्टूबर, 2008

का.आ. 2889.—राजनयिक कौंसली अधिकारी (रायथ एवं शुल्क) अधिनियम, 1948 (1948 का 41वाँ) व 2 के अंक (क) के अनुसरण में केन्द्रीय सरकार एतद्वारा भारत का कौंसलावास, बेंकूर में श्री अशित बर्मन सहायक को 1-10-2008 से सहायक कौंसली अधिकारी का कार्य करने हेतु प्राधिकृत करती है।

[सं. टी-4330/1-2006]

प्रीतम लाल, अवर सचिव (कौंसुलर)

MINISTRY OF EXTERNAL AFFAIRS

(CPV Division)

New Delhi, the 1st October, 2008

S.O. 2889.—In pursuance of the clause (ii) of the Section 2 of the Diplomatic and Consular Officers (Oath and Fees) Act, 1948, the Central Government hereby authorize Shri Ashit Burman, Assistant to perform the duties of Assistant Consular Officer in the Consulate General of India, Vancouver from 1-10-2008.

[No. T.4330/1.2006]

PRIYAM LAL, Under Secy. (Consular)

सूचना और प्रसारण मंत्रालय

नई दिल्ली, 30 सितम्बर, 2008

का.आ. 2890.—इस मंत्रालय की दिनांक 31 मई, 2007 की समसंख्यक अधिसूचना के अनुक्रम में और चलचित्र (प्रमाणन) नियमावली, 1983 के नियम 7 और 8 के साथ पठित चलचित्र अधिनियम, 1952 (1952 का 37) की धारा 5 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केंद्र सरकार तत्काल प्रभाव से दो वर्षों की अवधि के लिए या अगले आदेशों तक, जो भी पहले हो, निम्नलिखित व्यक्तियों को केंद्रीय फिल्म प्रमाणन बोर्ड के हैदराबाद सलाहकार पैनल के सदस्यों के रूप में नियुक्त करती है :

1. श्री दादी सत्य नारायण
2. श्री राजेश कुमार रेड्डी दुक्का
3. श्री गुंतुबोयना नानाजी राय यादव
4. श्री दादी चिन्ना राव
5. श्री मुले रामी रेड्डी
6. श्री पी. बी. जी. अप्पा राव
7. श्री जे. सन्यासी रेड्डी
8. श्री एन. सूर्य प्रकाश

[फा. सं. 809/1/2007-एफ (सी)]

संगीता सिंह, निदेशक (फिल्म)

MINISTRY OF INFORMATION AND
BROADCASTING

New Delhi, the 30th September, 2008

S.O. 2890.—In continuation of this Ministry's Notification of even number dated 31st May, 2007 and in exercise of the powers conferred by sub-section (1) of Section 5 of the Cinematograph Act, 1952 (37 of 1952) read with rules 7 and 8 of the Cinematograph (Certification) Rules, 1983, the Central Government is pleased to appoint the following persons as members of the Hyderabad advisory panel of the Central Board of Film Certification with immediate effect for a period of two years or until further orders, whichever is earlier :

1. Shri Dadi Satya Narayana
2. Shri Rajesh Kumar Raddy Dukka
3. Shri Guntuboina Nanaji Rao Yadav
4. Shri Dadi Chinna Rao
5. Shri Moole Rami Reddy
6. Shri P.V.G. Appa Rao
7. Shri J. Sanyasi Raddy
8. Shri N. Surya Prakash

[F. No. 809/1/2007-F(C)]

SANGEETA SINGH, Director (Films)

नई दिल्ली, 11 सितम्बर, 2008

का.आ. 2891.—इस मंत्रालय की दिनांक 31 मई, 2007 की समसंख्यक अधिसूचना के अनुक्रम में और चलचित्र (प्रमाणन) नियमावली, 1983 के नियम 7 और 8 के साथ पठित चलचित्र अधिनियम, 1952 (1952 का 37) की धारा 5 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केंद्र सरकार तत्काल प्रभाव से दो वर्षों की अवधि के लिए या अगले आदेशों तक, जो भी पहले हो, श्री पी. बी. रमेश, महात्मा गांधी रोड, पहली लाइन, बुंदारन गार्डन, गुंदूर-522006 को केंद्रीय फिल्म प्रमाणन बोर्ड के हैदराबाद सलाहकार पैनल के सदस्य के रूप में नियुक्त करती है :

[फा. सं. 809/1/2007-एफ (सी)]

संगीता सिंह, निदेशक (फिल्म)

New Delhi, the 11th September, 2008

S.O. 2891.—In continuation of this Ministry's Notification of even number dated 31st May, 2007 and in exercise of the powers conferred by sub-section (1) of Section 5 of the Cinematograph Act, 1952 (37 of 1952) read with rules 7 and 8 of the Cinematograph (Certification) Rules,

1983 the Central Government is pleased to appoint Shri P. V. Ramesh, Mahatma Gandhi Road, 1st Line, Brundavan Garden, Guntur-522006 as a member of the Hyderabad advisory panel of the Central Board of Film Certification with immediate effect for a period of two years or until further orders, whichever is earlier :

[F. No. 809/1/2007-F(C)]

SANGEETA SINGH, Director (Films)

स्वास्थ्य और परिवार कल्याण मंत्रालय

(स्वास्थ्य और परिवार कल्याण विभाग)

नई दिल्ली, 7 अक्टूबर, 2008

का.आ. 2892.—भारतीय आयुर्विज्ञान परिषद अधिनियम, 1956(1956 का 102) की धारा 11 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा भारतीय आयुर्विज्ञान परिषद से परामर्श करने के पश्चात् उक्त अधिनियम की प्रथम अनुसूची में निम्नलिखित और संशोधन करती है, अर्थात् :—

उक्त अनुसूची में—

(क) शीर्षक “मान्यताप्राप्त चिकित्सा अर्हता” [इसके पश्चात् स्तंभ(2) के रूप में उल्लिखित] के अंतर्गत “डॉ. एम.जी.आर. चिकित्सा विश्वविद्यालय, चेन्नई” के सामने, अंतिम प्रविष्टि तथा शीर्षक ‘पंजीकरण के लिए संक्षेपण’ [इसके अंतर्गत स्तंभ (3) के रूप में उल्लिखित] के अंतर्गत उससे संबंधित प्रविष्टि के बाद, निम्नलिखित जोड़ा जाएगा, अर्थात् :

2.	3
“मास्टर ऑफ सर्जरी (अस्थि रोग विज्ञान)”	एम एस (अस्थि रोग विज्ञान)
	यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह डॉ. एम.जी. आर. चिकित्सा विश्वविद्यालय, चेन्नई द्वारा तंजावुर मेडिकल कालेज, तंजावुर में प्रशिक्षित किए जा रहे छात्रों के संबंध में मार्च, 2007 में अथवा उसके पश्चात् प्रदान की गई हो।

[सं. यू.-12012/54/2008-एमई (पी-II)]

एन. बारिक, अवर सचिव

MINISTRY OF HEALTH AND FAMILY WELFARE

(Department of Health and Family Welfare)

New Delhi, the 7th October, 2008

S.O. 2892.—In exercise of the powers conferred by sub-section (2) of the Section 11 of the Indian Medical

Council Act, 1956 (102 of 1956), the Central Government, after consulting the Medical Council of India, hereby makes the following further amendments in the First Schedule to the said Act, namely :—

In the said Schedule—

(a) against “Dr. M.G.R. Medical University, Chennai”, under the heading ‘Recognised Medical Qualification’ [hereinafter referred to as column (2)], after the last entry and entry relating thereto under the heading ‘Abbreviation for Registration’ [hereinafter referred to as column (3)], the following shall be inserted, namely :—

2	3
“Master of Surgery (Orthopaedics)”	MS (Orthopaedics)
	(This shall be a recognized medical qualification when granted by Dr. M.G.R. Medical University, Chennai in respect of students being trained at Thanjavur Medical College, Thanjavur on or after March, 2007)

[No. U.-12012/54/2008-ME(P-II)]

N. BARIK, Under Secy.

उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय

(उपभोक्ता मामले विभाग)

भारतीय मानक ब्यूरो

नई दिल्ली, 13 अक्टूबर, 2008

का.आ. 2893.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिस भारतीय मानक का विवरण नीचे अनुसूची में दिया गया है वह स्थापित हो गया है :—

अनुसूची

क्र. स्थापित भारतीय मानक सं. की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
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1	2	3	4
1. आईएस 15351 : 2008 वस्त्रादि-जल अवरोधक परत चढ़ा उच्च घनत्व	15351 : 2003	31 अक्टूबर, 2008	

1	2	3	4
	पलीइथाइलीन (एच.डी.पी.ई.) का बुना हुआ कपड़ा (पू. मेम्बरन)-विशिष्ट (पहला पुनरीक्षण)		

अब यह भारतीय मानक चिह्न के लिये उपलब्ध होगा।

इस भारतीय मानक की प्रतियां भारतीय मानक ब्यूरो, मानक भवन-9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलूर, भोपाल, भुवनेश्वर, कोयम्बरूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पुणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : टीएक्सडी/जी-25]

पी. भटनगर, वैज्ञानिक ई एवं प्रमुख (टीएक्सडी)

MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION

(Department of Consumer Affairs)

BUREAU OF INDIAN STANDARDS

New Delhi, the 13th October, 2008

S.O. 2893.—In exercise of the clause (h) of sub-rule (1) of Rules (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standard, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :

SCHEDULE

Sl. No. & Year of the Indian Standard Established	No. & year of Indian Standard, if any, Superseded by the New Indian Standard	Date When Established
1	2	3
1 IS 15351:2008 Textiles—Laminated High Density Polyethylene (HDPE) Woven Fabric (Geo-Membrane) for Water Proof Lining—Specification (First Revision)	15351:2003	31 October, 1968

Henceforth, this standard will be available for sale.

Copy of this Standard is available for sale with H.Q. at Bureau of Indian Standards, Manak Bhavan, 9 Bahadur

Shah Zafar Marg, New Delhi-110002 and its Regional Offices at New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices at Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref.: TXD/G-25]

P. BHATNAGAR, Scientist 'E' & Head (Textiles)

नई दिल्ली, 13 अक्टूबर, 2008

का.आ. 2894.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम 1988 के विनियम, (5) के उपविनियम (6) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि निम्न विवरण वाले लाइसेंसों को उनके आगे दर्शायी गई तारीख से रद्द कर दिया गया है :—

क्र. लाइसेंस सं. संख्या	लाइसेंसधारि का नाम व पता	लाइसेंस के अंतर्गत वस्तु/प्रक्रम सम्बद्ध भारतीय मानक का शीर्षक	रद्द करने की तिथि
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1	2	3	4	5
1.	7219973 डुगार एंड संस प्रा. लि. डब्ल्यू-235, 'जे' ब्लॉक, एमआयडीसी भोसरी, जिला पुणे 411026	भासा 6538 : 1971 लचीली सामग्री से बने हुए तीन पिन वाले	8-8-2008	

[सं. सीएमडी/13:13]

पी. कं. गम्भीर, उप सहायनिदेशक (मुहर)

New Delhi, the 13th October, 2008

S.O. 2894.—In pursuance of sub-regulation (6) of the regulation 5 of the Bureau of Indian Standards (Certification) Regulations, 1988, of the Bureau of Indian Standards hereby notifies that the licences particulars of which are given below have been cancelled with effect from the date indicated against each :—

Sl. No.	Licence No.	Name and Address of the licensee	Article/Process with relevant Indian Standards covered by the licence cancelled	Date When Established
1	2	3	4	5
1.	7235973	Dugar & Sons Private Ltd. W-235, Three pin plugs (Type: HDPE) Bhoseri District Pune-411026	IS 6538: 1971 made of resilient material	8-8-2008

[No. CMD/13:13]

P. K. GAMBHIR, Dy. Director General (Marks)

नई दिल्ली, 13 अक्टूबर, 2008

का.आ. 2895.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम, 1988 के उपनियम (4) के उपविनियम (5) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन लाइसेंसों के विवरण नीचे अनुसूची में दिए गए हैं, वे स्वीकृत कर दिए गए हैं :—

अनुसूची

क्रम सं.	लाइसेंस सं.	स्वीकृत करने की तिथि वर्ष/माह	लाइसेंसधारी का नाम व पता	भारतीय मानक का शीर्षक	भा. मा. भाग संख्या	अनुभाग	वर्ष
1	2	3	4	5	6	7	8
1.	7850587	7-7-2008	वीएलएसएस फूड्स प्रा. लि. प्लॉट नं. 88, बी.यू. भंडारी इंडस्ट्रियल इस्टेट, एट मनसवाडी, तालुका-शिरूर जिला पुणे-412208, महाराष्ट्र	पैकेजबंद पेयजल (पैकेजबंद प्राकृतिक मिनरल जल के अलावा)	14543		2004
2.	7827491	11-7-2008	अमोल पैकेज्ड ड्रिंकिंग वाटर गट संख्या 50, पुणे-सोला रोड कंडगाव, तालुका दौंड जिला पुणे-412203, महाराष्ट्र	पैकेजबंद पेयजल (पैकेजबंद प्राकृतिक मिनरल जल के अलावा)	14543		2004
3.	7859912	1-8-2008	कोठारी डायमंड्स एंड ज्वैल्स 689, सरस्वती विलास बिल्डिंग, केजल फर्निशिंग के सामने, कजरी साड़ी सेंटर के पास, कुंठे चौक, लक्ष्मी रोड, जिला पुणे-411030, महाराष्ट्र	स्वर्ण और स्वर्ण मिश्रधातुएं, आभूषण/शिल्पकारी-शुद्धता और चिन्हांकन	1417		1999
4.	7860893	5-8-2008	निल्सन-1, एनबी सॉल्यूशंस सं. नं. 253/3, तिरुपाला इंडस्ट्रियल इस्टेट हिंजवडी, जिला पुणे-411057, महाराष्ट्र	सोलर प्लेट प्लेट कलेक्टर भाग-1 अपेक्षाएं	12933	01	2003
5.	7861592	7-8-2008	देवी ज्वैलर्स 103, भवानी पैठ, मोती चौक, जिला-सतारा-415002, महाराष्ट्र	स्वर्ण और स्वर्ण मिश्रधातुएं, आभूषण/शिल्पकारी-शुद्धता और चिन्हांकन	1417		1999
6.	7861693	30-7-2008	रविन केबल्स लिमिटेड गट संख्या 227/230 आलंदी मार्केट, मेन रोड, गांव मारकल, तालुका छेड जिला पुणे-412105, महाराष्ट्र	एरियल केबलों के गुच्छे कार्यकारिता बोल्टता तक और 1100 वो. सहित के लिए	14255		1995
7.	7863697	13-8-2008	रत्नात्रय ज्वैलर्स, दुकान नं. 1, सिटी ग्राइड, सं.नं./2612/1ए, कुरकुंभ रोड, दौंड, जिला पुणे-413801, महाराष्ट्र	स्वर्ण और स्वर्ण मिश्रधातुएं, आभूषण/शिल्पकारी-शुद्धता और चिन्हांकन	1417		1999

1	2	3	4	5	6	7	8	9
8.	7863596	13-8-2008	चिमनलाल भाबुदमल एंड कंपनी 399, रविवार पेठ, सोन्या महर्षि चौक, जिला पुणे 411002 महाराष्ट्र	स्वर्ण और स्वर्ण मिश्रधातु, आभूषण/शिल्पकारी-शुद्धता और चिह्नांकन	1417			1999
9.	7851690	8-7-2008	श्री सिद्धगणेश्वर ट्रेडिंग 131/ए/बी, आशाराम बाग आश्रम के पास, अक्कलकोट रोड, जिला सोलापुर, 413006 महाराष्ट्र।	पैकेजबंद पेयजल (पैकेजबंद प्राकृतिक मिश्रण जल के अलावा)	14543			2004

(चं. सीएमडी 13/11/1)

श्री. आ. लम्बीर, उप महानिदेशक (पुनर्.)

New Delhi, the 13th October, 2008

S.O. 2895. In pursuance of sub-regulation (5) of Regulation 4 of the Bureau of Indian Standards (Certification) Regulations 1988, of the Bureau of Indian Standards, hereby notifies the grant of licences particulars of which are given in the following Schedule :

SCHEDULE

Sl. No.	Licence No.	Grant Date	Name and Address of the Party	Title of the Standard	IS No.	Part	Section	Year
1	2	3	4	5	6	7	8	9
1.	7850587	7-7-2008	VLESS Foods Pvt. Ltd. Plot No. 88 B.U. Bhandari Indl Estate At Sanaswadi Taluka Shirur District Pune-412208	Packaged Drinking Water (Other than Packaged Natural Mineral Water)	14543			2004
2.	7827491	11-7-2008	Amol Packaged Drinking Water Out No. 50 Pune-Solapur Road Kedgaon Taluka Dahur District Pune-412203	Packaged Drinking Water (Other than Packaged Natural Mineral Water)	14543			2004
3.	7859912	1-8-2008	Kothari Diamonds & Jewels 689, Saraswati Vilas Bldg Opp Kejal Furnishing Near Kajree Saree Centre Kunte Chowk, Laxmi Road, District Pune-411036	Gold and Gold Alloys, Jewellery/Artefacts - Fineness and Marking	1417			1999
4.	7860893	5-8-2008	Nilsun-1 Energy Solutions S. No. 253/3 Turumala Indl. Estate Hinjawadi District Pune-411057	Solar Flat Plate Collector Part I Requirements	12933	01		2003
5.	7861592	7-8-2008	Devi Jewellers 103, Bhawani Pet Moti Chowk District Satara-415002	Gold and Gold Alloys, Jewellery/Artefacts Fineness and Marking	1417			1999
6.	7861693	30-7-2008	Ravin Cables Ltd. Gat No. 227-230 Ahmadi Markal Main Road Markal Village Taluka Khed District Pune-412105	Aerial Bundled Cables For Working Voltages upto and including 1100 V	14253			2005

1	2	3	4	5	6	7	8	9
7.	7863697	13-8-2008	Ratnatray Jewellers Shop No. 1, City Pride S.No./2612/1A Kurkumbh Road, Daund District Pune 413801	Gold and Gold Alloys, Jewellery/Artefacts— Fineness and Marking	1417			1999
8.	7863596	13-8-2008	Chimanlal Bhabutmal & Company 399, Raviwar Peth Sonya Maruti Chowk District Pune 411002	Gold and Gold Alloys, Jewellery/Artefacts— Fineness and Marking	1417			1999
9.	7851690	8-7-2008	Shri Siddharameshwar Traders 131/A/1B, Near Asarambapu Ashram Akkalkot Road District Solapur 413006	Packaged Drinking Water (Other than Packaged Natural Mineral Water)	14543			2004

[No. CMD/13:11]

P. K. GAMBHIR, Dy. Director General (Marks)

कोयला पत्रालय

नई दिल्ली, 13 अक्टूबर, 2008

का.आ. 2896.—केन्द्रीय सरकार को प्रतीत होता है, कि इससे उपावद्ध अनुसूची में उल्लिखित भूमि में कोयला अभिग्राप्त किए जाने की संभावना है ;

अतः अब, केन्द्रीय सरकार, कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) की धारा 4 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में कोयले का पूर्वेक्षण करने के अपने आशय की सूचना देती है;

इस अधिसूचना के अंतर्गत आने वाले रेखांक सं. सी-1(ई)III/जेजेएनआर/763-0708, तारीख 18 जुलाई, 2008 का निरीक्षण वेस्टर्न कोलफील्ड्स लिमिटेड (राजस्व विभाग), कोल ईस्टेट, सिविल लाईन्स, नागपुर 440001 (महाराष्ट्र) के कार्यालय में या मुख्य महाप्रबंधक (समुपयोजन प्रभाग), केन्द्रीय खान योजना और डिजाइन संस्थान, गोंडवाना प्लेस, कॉक रोड, राँची (झारखंड) के कार्यालय में या कोयला नियंत्रक, I, कार्मसिल हाऊस स्ट्रीट, कोलकाता के कार्यालय में या जिला कलेक्टर, यवतमाल (महाराष्ट्र) के कार्यालय में किया जा सकता;

इस अधिसूचना के अंतर्गत आने वाली भूमि में हितवद्ध सभी व्यक्ति उक्त अधिनियम की धारा 13 की उप-धारा (7) में निर्दिष्ट सभी नक्शों, चार्टों और अन्य दस्तावेजों को इस अधिसूचना के राजपत्र के प्रकाशन की तारीख से नब्बे दिनों के भीतर, विशेष इयूटी अधिकारी (एल/आर), वेस्टर्न कोलफील्ड्स लिमिटेड (राजस्व विभाग), कोल ईस्टेट, सिविल लाईन्स, नागपुर 440001 (महाराष्ट्र) को भेजेंगे।

अनुसूची

कोलार-पिंपरी एक्सटेंशन ओपनकास्ट ब्लॉक

वनी नार्थ एरिया

जिला यवतमाल (महाराष्ट्र)

[रेखांक सं. सी-1(ई) III/जेजेएनआर/763-0708 तारीख 18 जुलाई, 2008]

“भाग-क”

क्रम संख्या	ग्राम का नाम	पट्टावारी सकिल संख्या	तहसील	जिला	क्षेत्र हैक्टर में	क्षेत्र एकड़ में	टिप्पणी
1.	ब्राह्मणी	32	वनी	यवतमाल	298.00	736.39	भाग
2.	कोना	31	वनी	यवतमाल	125.00	308.89	भाग
3.	कोलेरा	32	वनी	यवतमाल	130.00	321.24	भाग

कुल क्षेत्र :- 553.00 हैक्टर (लगभग)

या

1366.52 एकड़ (लगभग)

“भाग-ख”

क्रम संख्या	ग्राम का नाम	पटवारी सर्किल संख्या	तहसील	जिला	क्षेत्र हैक्टर में	क्षेत्र एकड़ में	टिप्पणी
1.	गोवारी	31	बनी	बनतमाल	3.36	8.30	भाग
कुल क्षेत्र : 3.36 हैक्टर (लगभग)							या
							8.30 एकड़ (लगभग)

“भाग-ग”

क्रम संख्या	ग्राम का नाम	पटवारी सर्किल संख्या	तहसील	जिला	क्षेत्र हैक्टर में	क्षेत्र एकड़ में	टिप्पणी
1.	गोवारी	31	बनी	बनतमाल	14.50	35.83	भाग
कुल क्षेत्र : 14.50 हैक्टर (लगभग)							या
							35.83 एकड़ (लगभग)

“भाग-घ”

क्रम संख्या	ग्राम का नाम	पटवारी सर्किल संख्या	तहसील	जिला	क्षेत्र हैक्टर में	क्षेत्र एकड़ में	टिप्पणी
1.	आगासी	32	बनी	बनतमाल	80.00	197.69	भाग
2.	गोवारी	31	बनी	बनतमाल	41.77	103.22	भाग
3.	पिंपरी	32	बनी	बनतमाल	3.00	7.41	भाग
कुल क्षेत्र : 124.77 हैक्टर (लगभग)							या
							308.32 एकड़ (लगभग)

कुल क्षेत्र भाग “क” + भाग “ख” + भाग “ग” + भाग “घ”

$553.00 + 3.36 + 14.50 + 124.77 = 695.63$ हैक्टर (लगभग)

या $1366.52 + 8.30 + 35.83 + 308.32 = 1718.97$ एकड़ (लगभग)

सीमा वर्णन :

भाग “क”

क-ख : यथा, बिन्दु “क” ग्राम कोला और ब्राह्मणी की सम्मिलित ग्राम सीमा से आरम्भ होती है और ग्राम कोला से होती हुई भाग “ख” और ब्राह्मणी की सम्मिलित ग्राम सीमा पर बिन्दु “ख” पर मिलती है।

ख-ग : यथा, ग्राम कोला तथा ब्राह्मणी की सम्मिलित ग्राम सीमा से होती हुई बिन्दु “ग” पर मिलती है।

ग-घ : यथा, ग्राम ब्राह्मणी से होती हुई ग्राम कोला तथा कोला की सम्मिलित ग्राम सीमा पर बिन्दु “ड” पर मिलती है।

ड-ख-छ : यथा, ग्राम कोला से होती हुई भाग “क” और ग्राम कोला की ग्राम सीमा के बिन्दु “क” पर मिलती है।

छ-क : यथा, ग्राम ब्राह्मणी से होकर गुजरती है और आरंभिक बिन्दु “क” पर मिलती है।

भाग “ख”

ज-झ-ञ-ट : यथा, ग्राम गोवारी के बिन्दु “ज” से आरंभ होती है और ग्राम गोवारी से बिन्दु “ज-ञ-ट” से होकर गुजरती है और आरंभिक बिन्दु “ज” पर मिलती है।

भाग “ग”

ट-ड-ड-ड : यथा, बिन्दु “ड” से आरंभ होती है और ग्राम गोवारी की ग्राम सीमा तथा वर्धा नदी के किनारे की सीमा से होती हुई

भाग "घ"

- ण-त : रेखा, बिन्दु "ण" से आरंभ होती है और ग्राम गोवारी से होकर गुजरती है और ग्राम गोवारी तथा ग्राम आगासी की सम्मिलित ग्राम सीमा पर बिन्दु "त" पर मिलती है।
- त-थ : रेखा, ग्राम आगासी से होकर गुजरती है, और ग्राम आगासी तथा ग्राम पिंपरी की सम्मिलित ग्राम सीमा पर बिन्दु "थ" पर मिलती है।
- थ-द-ध : रेखा, ग्राम आगासी तथा ग्राम पिंपरी की सम्मिलित ग्राम सीमा तथा वर्धा नदी के किनारे की सीमा के साथ जाती हुई ग्राम आगासी तथा ग्राम गोवारी की सम्मिलित ग्राम सीमा पर बिन्दु "ध" पर मिलती है।
- ध-ण : रेखा, ग्राम गोवारी से होकर वर्धा नदी के किनारे की सीमा से गुजरती हुई आरंभक बिन्दु "ण" पर मिलती है।

[सं. 43015/15/2008.पी.आर.आई.डब्ल्यू.-I]

एम. शहाबुद्दीन, अवर सचिव

MINISTRY OF COAL

New Delhi, the 13th October, 2008

S.O. 2896.—Whereas it appears to the Central Government that coal is likely to be obtained from the lands in the locality mentioned in the Schedule hereto annexed;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government hereby gives notice of its intention to prospect for coal therein;

The plan bearing number C-I (E)III/JNR/763-0708 dated the 18th July, 2008 of the area covered by this notification can be inspected in the office of the Western Coalfields Limited (Revenue Department), Coal Estate, Civil Lines, Nagpur-440001 (Maharashtra) or at the office of the Chief General Manager (Exploration Division), Central Mine Planning and Design Institute, Gondwana Place, Kanke Road, Ranchi or at the office of the Coal Controller, 1, Council House Street, Kolkata or at the office of the District Collector, Yavatmal (Maharashtra).

All persons interested in the lands covered by this notification shall deliver all maps, charts and other documents referred to in sub-section (7) of Section 13 of the said Act to the Officer on Special Duty (U/R), Western Coalfields Limited, Revenue Department, Coal Estate, Civil Lines, Nagpur-440 001 (Maharashtra) within ninety days from the date of publication of this notification in the Official Gazette.

SCHEDULE

KOLAR PIMPRI EXTENSION OPEN CAST BLOCK

WANI NORTH AREA

DISTRICT YAVATMAL (MAHARASHTRA)

(Plan bearing number C-I (E)III/JNR/763-0708 dated the 18th July, 2008)

"PART—A"

S1. No.	Name of village	Patwari circle number	Tahsil	District	Area in Hectares	Area in Acres	Remarks
1.	Brahmani	32	Wani	Yavatmal	298.00	736.39	Part
2.	Kona	31	Wani	Yavatmal	125.00	308.89	Part
3.	Kolera	32	Wani	Yavatmal	130.00	321.24	Part

Total Area: 553.00 hectares (approximately)

Or 1366.52 acres (approximately)

"PART—B"

S1. No.	Name of village	Patwari circle number	Tahsil	District	Area in Hectares	Area in Acres	Remarks
1.	Gowari	31	Wani	Yavatmal	3.36	8.30	Part

Total Area : 3.36 hectares (approximately)

Or 8.30 acres (approximately)

"PART—C"

Sl. No.	Name of village	Patwari circle number	Tahsil	District	Area in Hectares	Area in Acres	Remarks
1	Gowari	31	Wani	Yavatmal	14.50	35.83	Part

Total Area : 14.50 hectares (approximately)
or 35.83 acres (approximately)

"PART—D"

Sl. No.	Name of village	Patwari circle number	Tahsil	District	Area in Hectares	Area in Acres	Remarks
1	Agashi	32	Wani	Yavatmal	80.00	197.69	Part
2	Gowari	31	Wani	Yavatmal	41.77	103.22	Part
3	Pimpri	32	Wani	Yavatmal	3.00	7.41	Part

Total area: 124.77 hectares (approximately)
Or 308.32 acres (approximately)

Total Area of Part 'A' + Part 'B' + Part 'C' + Part 'D'

553.00 + 336 + 14.50 + 124.77 = 695.63 Hectares (approximately)

OR 1366.52 + 830 + 35.83 + 308.32 = 1718.97 Acres (approximately)

Boundary description :**PART 'A' :**

A-B : Line starts from point 'A' on common village boundary of villages Kona Brahmini and passes through village Kona and meets on common village boundary of villages Kona and Brahmini at Point 'B'.

B-C : Line passes along with the common village boundary of villages Kona and Brahmini and meets at Point 'C'.

C-D-E : Line passes through village Brahmini and meets on common village boundary of villages Brahmini and Kolera at Point 'E'.

E-F-G : Line passes through village Kolera and meets on village boundary of village Kolera at Point 'G'.

G-A : Line passes through village Brahmini and meets at starting Point 'A'.

PART 'B' :

H-I-J-K : Line starts from Point 'H' in village Gowari and passes through point 'I' - 'J' - 'K' and meets at starting Point 'H'.

PART 'C' :

L-M-N : Line starts from Point 'L' along the village boundary of village Gowari and Bank of Wardha River and meets at starting Point 'L'.

PART 'D' :

O-P : Line starts from Point 'O' and passes through village Gowari and meets on common village boundary of villages Gowari and Agasi at Point 'P'.

P-Q : Line passes through village Agasi and meets on common village boundary of villages Agasi and Pimpri at Point 'Q'.

Q-R-S : Line passes along the common village boundary of villages Agasi and Pimpri and along the Bank of Wardha River and meets on common village boundary of villages Agasi and Gowari at Point 'S'.

S-O : Line passes through village Gowari along the Bank of Wardha River and meets at starting Point 'O'.

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 15 अक्टूबर, 2008

का. आ. 2897.— केन्द्रीय सरकारने पेट्रोलियम और खनिज पाईपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधिन जारी, भारत के राजपत्र, तारीख 07.06.2008 में प्रकाशित भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का.आ. संख्या 1289 तारीख 30.5.2008 द्वारा उस अधिसूचना से संलग्न अनुसूचि तालुका कलोल, जिला-पंचमहाल राज्य-गुजरात में कोयली से रतलाम तक पेट्रोलियम उत्पादों के परिवहन के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड, द्वारा पाईपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी। और उक्त राजपत्र अधिसूचना की प्रतियां ता. 16.8.2008 से जनता को उपलब्ध करा दी गई थी।

और सक्षम प्राधिकारीने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधिन केन्द्रीय सरकार को रिपोर्ट दे दी है

और केन्द्रीय सरकार का उक्त रिपोर्ट पर विचार करने के पश्चात यह समाधान हो गया है कि इस अधिसूचना से संलग्न अनुसूचिमें विनिर्दिष्ट भूमि में उपयोग का अधिकार अर्जित किया जाए। अतः अब केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि पाईपलाइन बिछाने के लिए इस अधिसूचना से संलग्न अनुसूचिमें विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाता है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय इंडियन ऑयल कॉर्पोरेशन लिमिटेड में सभी विल्लीगमों से मुक्त होकर प्रकाशक की इस तारीख से निहित होगा।

अनुसूचि

तालुका (कलोल)		जिला-पंचमहाल	राज्य : गुजरात		
गाँव का नाम	सर्वेक्षण सं. - खण्ड सं.	उपखण्ड सं.	क्षेत्रफल		
			हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6
जेतपुर (जमनापुर)	392	3	00	05	40
	392	2	00	09	36
	393	-	00	12	88
	392	1P	00	24	57
	392	5	00	05	40
	410+411	1	00	10	80

[फ़. सं. आर-25011/7/2005-ओ.आर.-1]

Ministry of Petroleum & Natural Gas.

New Delhi, the 15th October, 2008

S. O. 2897.— Whereas, by the notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. number 1289 dated 30.05.2008 issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquired the right of user in the land in Tehsil : Kalol, District : Panchmahal in the state of Gujarat for the transportation of Petroleum Product from Koyali to Ratlam in the state of Gujarat a Pipeline should be laid by the Indian Oil Corporation Limited.

And whereas, the copies of the said Gazette Notification were made available to the public on the 16.08.2008.

And whereas, the Competent Authority in pursuance of sub-section (1) of section 6 of the said Act submitted his report to the Central Government.

And whereas the Central Government after considering the said report is satisfied that the right of user in the land specified in the Schedule appended to this notification should be acquired.

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the schedule appended to this notification is hereby acquired for laying the pipeline.

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said lands shall instead of vesting in the Central Government vest on the date of publication of this declaration in the Indian Oil Corporation Limited free from the encumbrances.

SCHEDULE

Taluka : Kalol		Dist : Panchmahal		State: Gujarat	
Name of Village	Survey / Block No.	Sub.Division	Areas		
			Hectare	area	Centiare
1	2	3	4	5	6
Jetpur / Jemmarant	352	3	9	3	40
	50	2	6	3	36
	225	-	12	12	88
	244	10	5	14	57
	142	5	9	9	40
	410 + 41	1	1	10	30

[F No. R-25011/7/2005-O.R.-I]

S. K. CHITKARA, Under Secy.

नई दिल्ली, 16 अक्टूबर, 2008

का. आ. 2898.— केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 305 तारीख 12 फरवरी, 2008, जो भारत के राजपत्र तारीख 16 फरवरी, 2008 व संशोधित गजट अधिसूचना संख्या का.आ. 2065(अ) दिनांक 12 अगस्त, 2008 जो भारत के राजपत्र तारीख 19 अगस्त, 2008 में प्रकाशित की गई थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में मध्यप्रदेश राज्य में बीना संस्थापन से राजस्थान राज्य में कोटा तक पेट्रोलियम उत्पादों के परिवहन के लिए बीना-कोटा पाइपलाइन परियोजना के माध्यम से भारत पेट्रोलियम कारपोरेशन लिमिटेड द्वारा एक पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन के अपने आशय की घोषणा की थी ;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 19 मई, 2008 को उपलब्ध करा दी गई थी ;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन, केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है ;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात् , और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिये अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है ;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है ;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख को केन्द्रीय सरकार में निहित होने की बजाए, सभी विल्लंगनों से मुक्त, भारत पेट्रोलियम कारपोरेशन लिमिटेड में निहित होगा ।

अनुसूची

तहसील : अशोक नगर

जिला : अशोक नगर

राज्य : मध्य प्रदेश

क्र.सं.	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हेक्टेयर में
1	2	3	4
1	खजूरिया खुर्द	122	0.0260
		123	0.2745
		148	0.2470
		149	0.1560
		152	0.2100
		150	0.0845
		161	0.1300
		162	0.1430
		165	0.1170
		166	0.1300
		167	0.0050
		168	0.0975
		169	0.1170
		173/1	0.0845
		173/2	0.0260
		173/3	0.0520
2	बीरपुर	133/2	0.0800
		114	0.0100
		113/1	0.3200
		113/2	0.0020
		113/3	0.2275
		112	0.0020
		103	0.0130
		102	0.1950
		101/2	0.1625
		101/1	0.2275
3	सावन	49	0.1560
		50	0.1365
		51	0.0450
		52	0.2860
		53	0.5330
		391	0.0200
		392	0.2340

क्र.सं.	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हेक्टेयर में
1	2	3	4
सावन	(जारी.....)	389	0.1755
		388	0.1000
		387	0.0650
		386	0.0020
		398	0.1885
		400	0.0585
		401	0.0400
		402	0.3900
		403	0.1580
		414	0.0200
		415	0.0975
		417	0.0200
		419	0.0520
		420	0.0200
		422	0.0950
		423	0.0100
		424	0.0300
		452	0.2665
		450	0.0920
		431	0.0100
		439	0.4745
		445	0.0100
		442	0.3250
		440	0.0520
		441	0.1820
सागर		7/1	0.0325
		84	0.0910
		85/1	0.0585
		86/1/क	0.0260
		86/7	0.1820
		87	0.0230
		88/1	0.0260
		88/2	0.0650
		103	0.0500

क्र.सं.	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हैक्टेयर में
1	2	3	4
सागर	(जारी....)	105	0.0520
		104	0.0650
		106	0.0845
		110/1/क	0.0460
		110/1/ख	0.1040
		110/2	0.1625
		109	0.0200
		121	0.2405
		124	0.0050
		126	0.1755
		128	0.0100
		127	0.0730
		208/1	0.0715
		133	0.1365
		207	0.3575
		160	0.0130
		161	0.2650
		162	0.0100
		179	0.1365
		184	0.0020
		183	0.0250
		182	0.0555
		181	0.0715
		187	0.2600
		191	0.1120
		300	0.0260
		279	0.0030
		299	0.0100
		280	0.1950
		281	0.1950
		283	0.0130
		285	0.0195
		286	0.0050
		284	0.3400
		268	0.1560
5	सेमरा		

क्र.सं.	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हेक्टेयर में
1	2	3	4
5	सेमरा (ज़ारी...)	267	0.1100
		266	0.0850
		288	0.0650
		246	0.0450
		247	0.0130
		245	0.0065
		68	0.0200
		69	0.1625
		70	0.0050
		52	0.0200
		53	0.1750
		19	0.2860
		21	0.3055
		28	0.0800
		27	0.2730
		26	0.0230
		25	0.0910
		5	0.0390
		32	0.3150
		2	0.1170
6	तुमेन	631	0.1235
		632	0.0030
		636	0.0260
		586	0.0050
		588	0.0950
		587	0.0050
		562	0.0520
		528	0.1000
		457	0.0195
		452	0.0150
		454	0.1500
		453	0.0500
		455	0.1430
		456	0.0040
		439	0.0130
		438	0.0260

क्र.सं.	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हैक्टेयर में
1	2	3	4
	तुमेन	(जारी...)	
		435	0.1105
		436	0.1300
		433	0.1040
		432	0.1950
		431	0.1300
		426	0.2600
		425	0.0225
		350	0.0195
		327	0.0325
		352	0.1500
		353	0.0200
		318	0.0130
		325	0.0130
		326	0.0260
		324	0.0520
		323	0.1235
		322	0.0030
		309	0.0910
		308	0.0390
		307	0.0600
		310	0.0065
		306	0.1100
		303	0.0160
		302	0.1235
		301	0.0260
		295/1692	0.0530
		178	0.0325
		175	0.1040
		180	0.0325
		174	0.0650
		179	0.0650
		173	0.1300
		50	0.1900
		49	0.1040
		48	0.1040
		1	0.0520

क्र.सं.	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हैक्टेयर में
1	2	3	4
	तुमेन (जारी....)	630	0.3400
		627	0.0040
		629	0.0350
		628	0.2200
		620	0.0300
		613	0.1150
		619	0.1820
		612	0.3000
		597	0.0325
		589	0.0250
		590	0.3380
		591	0.1300
		547	0.0350
		560	0.1105
		548	0.1300
		549	0.1625
		545	0.0020
		551	0.0360
		544	0.1105
		534	0.0780
		533	0.0800
		532	0.0800
		526	0.1755
		524	0.1000
		530	0.0260
		529	0.1300
		527	0.0130
7	आमखेड़ा तुमेन	353	0.0260
		354	0.0455
		359	0.1560
		358	0.1560
		350	} 0.3315
		350/2	
		348	0.1170
		347	0.0050

क्र.सं.	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हैक्टेयर में
1	2	3	4
	आमखेड़ा तूमेन (जारी...)	321	0.0845
		320	0.0650
		315	0.1625
		316	0.0020
		317	0.1625
		261	0.1950
		262	0.3120
		265	0.0195
		273	0.0195
		266/1	0.0715
		271	0.2340
		38	0.0325
		40	0.6000
		41	0.3150
		3	0.5720
		6	0.0150
		3/2घ/2	0.1755
		2	0.0150
		1/1छ	0.0910
		1/2	0.6000
8	जलरामपुर	440	0.0390
		442	0.1300
		439	0.0450
		438	0.1300
		445	0.0845
		214	0.0520
		229	0.1820
		230	0.0020
		227	0.1200
		226	0.1950
		238	0.2600
		220	0.0020
		225	0.0020
		205	0.2080

क्र.सं.	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हेक्टेयर में
1	2	3	4
9	जलालपुर (जारी...)	204	0.2470
		203	0.1820
		199	0.0250
		200	0.3055
		192	0.0050
		191	0.1300
		189	0.0750
		188	0.0050
		195	0.1040
		162	0.3000
		255	0.2525
	डंगाही	257/1क	0.1500
		254	0.0100
		252/1	0.1000
		252/2	0.1500
		251	0.3445
		259	0.0455
		204	0.0455
		205	0.0050
		203	0.1625
		207	0.1690
		208	0.1625
		201	0.0455
		212	0.0820
		214	0.1820
		215	0.0065
		216	0.0975
		48	0.0260
		50	0.1625
		49	0.1430
		52	0.1495
		42	0.0325
		40	0.1430
		39	0.0160

क.सं.	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हैक्टेयर में
1	2	3	4
	डंग्राही (जारी..)	34	0.0650
		29	0.2300
		41/2	0.0975
		31	0.0195
		15	0.0100
		13	0.1000
		12	0.3600
		9	0.3600
		8	0.3445
		1	0.3800
10	भैसरवास	733	0.0260
		731	0.0050
		730	0.0350
		732/1	0.0150
		639	0.0975
		637	0.0975
		633	0.0050
		635	0.1625
		636	0.0100
		615	0.0130
		614/3	0.0150
		614/2	0.0455
		614	0.0650
		614/1	0.0050
		613	0.0200
		588	0.0325
		591	0.0260
		592	0.0250
		557	0.0455
		556	0.2045
		555	0.1690
		554	0.0400
		495	0.0040
		496/2	0.1365
		496/1	0.1625

क्र.सं.	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हेक्टेयर में
1	2	3	4
	भैसरवास (जारी...)	498	0.0065
		497	0.0800
		499/3	0.0455
		499/2	0.1200
		501	0.0150
		476	0.1040
		502	0.0300
		475/1	0.0910
		475/2	0.0600
		475/3	0.0100
		474	0.1430
		473/2	0.0200
		473/1	0.0390
		503	0.3835
		505	0.1400
		504	0.0065
		76/2	0.1625
11	बासरा	215	0.2405
		214	0.5200
		192	0.5000
		193	0.0050
		196	0.0455
		197	0.0455
		198	0.1365
		199	0.0650
		133/1	0.0050
		133/2	0.3400
		133/3	0.1000
		135	0.3000
		132	0.0050
		131/2	0.3000
		124	0.0325
		125	0.0195

क्र.सं.	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हैक्टेयर में
1	2	3	4
	बासरा (जारी....)	121	0.1040
		122/1	0.2500
		122/3	0.0150
		119	0.0780
		107/2	0.2000
		107/3	0.1625
		107/1	0.1040
		106	0.0130
		105	0.3250
		104	0.0150
12	कुरवाय	173	0.2275
		117	0.5950
		117/2	0.0900
		116	0.4290
		95	0.0130
		12	0.2015
		9	0.0910
		3	0.0065
13	ककरुआराय	2	0.3510
		576	0.1170
		574	0.0090
		569	0.0200
		308	0.0100
		310	0.0050
		307/3ख	0.0050
		340	0.0020
		302/1	0.0150
		304/3	0.2600
		304/2	0.1000
		304/1	0.0520
		281	0.0195
		264	0.0325
		263	0.0130
		249	0.0325
		251	0.1500

क्र.सं.	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हैक्टेयर में
1	2	3	4
	ककरुआराय (जारी...)	247	0.1820
		252	0.0195
		254	0.0260
		256	0.0130
		257	0.1300
		258	0.0225
		259	0.0425
		244	0.0750
		240	0.2405
		243	0.0050
		238	0.2015
		237	0.1300
		153/582	0.0325
		236	0.0065
		147	0.0520
		146	0.1430
		145	0.0020
14	बहेरी पठार	12/1	0.0455
		12/2	0.0390
		14/1	0.1560
		14/2	0.2275
		15/1क	0.1755
		15/1ख	
		15/2	0.1430
		83	0.2860
		82	0.1625
		84	0.0130
		85	0.1495
15	मथनेर	950	0.0050
		939	0.1365
		944	0.1690
		943	0.0100
		940	0.2000
		896	0.3640
		899	0.0800

क्र.सं.	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हैक्टेयर में
1	2	3	4
मथनेर	(जारी...)	897	0.0130
		905	0.0800
		906	0.0325
		933	0.0020
		898	0.1100
		907	0.0520
		911	0.1300
		928	0.0050
		912	0.0100
		502	0.1820
		500	0.2000
		501	0.0600
		499	0.1820
		508	0.0100
		487	0.2275
		488	0.2340
		483	0.2535
		62	0.0100
		61	0.0100
		33	0.1820
		32	0.0200
		34	0.2275
		35	0.2200
		31	0.3500
		36	0.1430
		29	0.1000
		28	0.5750
		22	0.2730
		21	0.0050
		261	0.1560
		262	0.1000
		266	0.3250
		265	0.0250
		268	0.0260
		284	0.1400

क्र.सं.	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हेक्टेयर में
1	2	3	4
	मोहरी ज्ञान (जारी....)	287	0.2150
		286	0.0300
		288	0.1820
17	दमोह	242	0.1625
		243	0.1625
		244/1 } 244/2 }	0.1400
		245/2	0.1560
		248	0.0065
		279	0.0030
		280	0.0390
		281	0.2990
		282	0.0130
		291	0.2990
18	मढी कानूनगो	19	0.0195
		20/1	0.1300
		20/2	0.0455
		20/3	0.0845
		22	0.2200
		24/2	0.0040
		32	0.0325
		31	0.1430
		33	0.1625
		57	0.1700
		42/5	0.0065
		42/7	0.1625
		48	0.0780
		56	0.0520
		43	0.0520
		46	0.0650
		47	0.0020
		49	0.0260
		53	0.3120
		55	0.0130
		110/2	0.1235

क्र.सं.	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हैक्टेयर में
1	2	3	4
	मढ़ी कानूनगो (जारी.....)	111	0.1800
		381	0.0325
		382/2	0.3705
		405	0.3185
		404/2	0.0845
		404/3/3	0.0325
		404/3/2	0.1500
		404मि.	0.2275
		403	0.1300
		527	0.0220
		528	0.0195
		529	0.1500
		564	0.2800
		567	0.0325
		566	0.0020
		568	0.1430
		578	0.2145
		579	0.0520
		581	0.0845
		627	0.2600
		626	0.2080
		634	0.0040
		630	0.0040
		633	0.2925
		635	0.2860
		651	0.0520
		637	0.0700
		650	0.1300
		638	0.1560
		639	0.1430
		647	0.0100
		644	0.1365
		642	0.2925
		758	0.0260

क्र.सं.	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हेक्टेयर में
1	2	3	4
19	विजय पुरा	1	0.3050
		31	0.2308
		36	0.2470
		37	0.0130
		56	0.0900
		55	0.0200
		54/2	0.0130
		54/1	0.0715
		66	0.0350
		67/1	0.0910
		53	0.0780
		72	0.0130
		71	0.1700
		76	0.0520
		75	0.1650
		82	0.0910
		83	0.0200
		84	0.4700
		92	0.1300
		95/1	0.2000
		101	0.0900
		102/1	0.0040
		96/1	0.1300
		99	0.4095
		98	0.0065
		155	0.0845
		201	0.2060
		203/2	0.1135
		203/3	0.0100
		203/4	0.1200
		198	0.0260

क्र.सं.	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हैक्टेयर में
1	2	3	4
20	कैथाई	77	0.1040
		73	0.0100
		76	0.0100
		78/2	0.1430
		78/3	0.1600
		72	0.0450
		71	0.1200
		70	0.2665
		85/353	0.0040
		130	0.0975
		82	0.0150
		83	0.0040
		84/352	0.0520
		84	0.0200
		132	0.0150
		131	0.2665
		133	0.0500
		127	0.0600
		126	0.0600
		134	0.1500
		135	0.2000
		136	0.0805
		137	0.0300
		121	0.3510
		120	0.0250
		141	0.3500
		143	0.3500
		146	0.1560
		155	0.0400
		147	0.0950

क्र.सं.	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हैक्टेयर में
1	2	3	4
	कैथाई (जारी...)	148	0.0300
		149	0.0325
		150	0.1105
		154	0.0300
		151	0.2000
		148मि.	0.1040
		106	0.0390
		180/2	0.0050
		181	0.3510
21	कुन्दीरां	559	0.0230
		558	0.0325
		557	0.1300
		560	0.0200
		561	0.0040
		562	0.0150
		563	0.2438
		586	0.2600
		587	0.0715
22	केलारस	45	0.0650
		46	0.0100
		44	0.0975
		43	0.1105
		42	0.1430
		41/1	0.1040
		41/2	0.1170
		40	0.0040
		51/1	0.1885
		31	0.1560
		30	0.0040

क्र.सं.	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हैक्टेयर में
1	2	3	4
	केलारस (जारी...)	57	0.0850
		28/1	0.3600
		28/2	0.0020
		58	0.0050
		27	0.0400
		61	0.3900
		1	0.1000

[फा. में, आर-31015/8/2008-ओ.आर. II.]

ए. गोस्वामी, अवर सचिव

New Delhi, 16th October, 2008

S.O. 2898. Whereas by a notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. No. 500, dated the 12th February, 2008, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (59 of 1962) hereinafter referred to as the said Act) published in the Gazette of India dated the 16th February, 2008, and amend-ment published in gazette dated 19-08-2008Vide S.O. No 20650 dated 12-08-08, the Central Government declared its intention to acquire the right of user in the land, specified in the Schedule appended to that notification, for the purpose of laying a pipeline for transportation of petroleum products through Bina-Kota Pipeline Project from Bina terminal in the State of Madhya Pradesh to Kota in the State of Rajasthan by Bhakra Petroleum Corporation Limited :

And whereas the copies of the said Government notification were made available to the public on the 19th May, 2008:

And whereas the competent authority appointed under sub-section (1) of section 6 of the said Act, submitted report to the Central Government:

And whereas the Central Government after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire the right of user therein:

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the said land, specified in the Schedule, appended to this notification, is hereby acquired for laying the pipeline:

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest on the date of the publication of this declaration, in Bhakra Petroleum Corporation Limited, free from all

SCHEDULE**TEHSIL : ASHOK NAGAR DISTRICT : ASHOK NAGAR STATE : MADHYA PRADESH**

S.No.	NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
1	2	3	4
1	KHAJURIA KHURD	122	0.0260
		123	0.2745
		148	0.2470
		149	0.1560
		152	0.2100
		150	0.0845
		161	0.1300
		162	0.1430
		165	0.1170
		166	0.1300
		167	0.0050
		168	0.0975
		169	0.1170
		173/1	0.0845
		173/2	0.0260
		173/3	0.0520
2	BIRPUR	133/2	0.0800
		114	0.0100
		113/1	0.3200
		113/2	0.0020
		113/3	0.2275
		112	0.0020
		103	0.0130
		102	0.1950
		101/2	0.1625
		101/1	0.2275
3	SAVAN	49	0.1560
		50	0.1365
		51	0.0450
		52	0.2860
		53	0.5330
		391	0.0200
		392	0.2340

S.No.	NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
1	2	3	4
SAVAN	Contd....	389	0.1755
		388	0.1000
		387	0.0650
		386	0.0020
		398	0.1885
		400	0.0585
		401	0.0400
		402	0.3900
		403	0.1560
		414	0.0200
		415	0.0975
		417	0.0200
		419	0.0520
		420	0.0200
		422	0.0950
		423	0.0100
		424	0.0300
		452	0.2665
		450	0.0920
		431	0.0100
		439	0.4745
		445	0.0100
		442	0.3250
		440	0.0520
		441	0.1820
4 SAGAR		7/1	0.0325
		84	0.0910
		85/1	0.0585
		86/1/क	0.0260
		86/7	0.1820
		87	0.0230
		88/1	0.0260
		88/2	0.0650
		103	0.0500

S.No.	NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE		
1	2	3	4		
SAGAR	Contd.....	105	0.0520		
		104	0.0650		
		106	0.0845		
		110/1/क	0.0460		
		110/1ख	0.1040		
		110/2	0.1825		
		109	0.0200		
		121	0.2405		
		124	0.0050		
		126	0.1755		
		128	0.0100		
		127	0.0730		
		208/1	0.0715		
		133	0.1365		
		207	0.3575		
		160	0.0130		
		161	0.2650		
		162	0.0100		
		179	0.1365		
		184	0.0020		
		183	0.0250		
		182	0.0555		
		181	0.0715		
		187	0.2600		
		191	0.1120		
		5 SEMRA		300	0.0260
				279	0.0030
				299	0.0100
				280	0.1950
				281	0.1950
				283	0.0130
				285	0.0195
				286	0.0050
284	0.3400				
268	0.1560				

S.No.	NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
1	2	3	4
1	SEMRA Contd....	267	0.1100
		266	0.0850
		288	0.0650
		246	0.0450
		247	0.0130
		245	0.0065
		68	0.0200
		69	0.1625
		70	0.0050
		52	0.0200
		53	0.1750
		19	0.2860
		21	0.3055
		28	0.0800
		27	0.2730
		26	0.0230
		25	0.0910
		5	0.0390
		32	0.3150
		2	0.1170
6	TUMEN	631	0.1235
		632	0.0030
		636	0.0260
		586	0.0050
		588	0.0950
		587	0.0050
		562	0.0520
		528	0.1000
		457	0.0195
		452	0.0150
		454	0.1500
		453	0.0500
		455	0.1430
		456	0.0040
		439	0.0150

S.No.	NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
1	2	3	4
TUMEN	Contd....	438	0.0260
		435	0.1105
		436	0.1300
		433	0.1040
		432	0.1950
		431	0.1300
		426	0.2600
		425	0.0225
		350	0.0195
		327	0.0325
		352	0.1500
		353	0.0200
		318	0.0130
		325	0.0130
		326	0.0260
		324	0.0520
		323	0.1235
		322	0.0030
		309	0.0910
		308	0.0390
		307	0.0600
		310	0.0065
		306	0.1100
		303	0.0160
		302	0.1235
		301	0.0260
		295/1692	0.0530
		178	0.0325
		175	0.1040
		180	0.0325
		174	0.0650
		179	0.0650
		173	0.1300
		50	0.1900
		49	0.1040
		48	0.1040

S.No.	NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
1	2	3	4
TUMEN	Contd....	1	0.0520
		630	0.3400
		627	0.0040
		629	0.0350
		628	0.2200
		620	0.0300
		613	0.1150
		619	0.1820
		612	0.3000
		597	0.0325
		589	0.0250
		590	0.3380
		591	0.1300
		547	0.0350
		560	0.1105
		548	0.1300
		549	0.1625
		545	0.0020
		551	0.0360
		544	0.1105
		534	0.0780
		533	0.0800
		532	0.0800
		526	0.1755
		524	0.1000
		530	0.0260
		529	0.1300
		527	0.0130
7	AMKHEDA TUMEN	353	0.0260
		354	0.0455
		359	0.1560
		358	0.1560
		350	0.3315
		350/2	
		348	0.1170
		347	0.0050

S.No.	NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
1	2	3	4
	AMKHEDA TUMEN Contd....	321	0.0845
		320	0.0650
		315	0.1625
		316	0.0020
		317	0.1625
		261	0.1950
		262	0.3120
		265	0.0195
		273	0.0195
		266/1	0.0715
		271	0.2340
		38	0.0325
		40	0.6000
		41	0.3150
		3	0.5720
		6	0.0150
		3/2घ/2	0.1755
		2	0.0150
		1/1छ	0.0910
		1/2	0.6000
8	JALALPUR	440	0.0390
		442	0.1300
		439	0.0450
		438	0.1300
		445	0.0845
		214	0.0520
		229	0.1820
		230	0.0020
		227	0.1200
		226	0.1950
		238	0.2600
		220	0.0020
		225	0.0020
		205	0.2080

S.No.	NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
1	2	3	4
9	JALALPUR Contd....	204	0.2470
		203	0.1820
		199	0.0250
		200	0.3055
		192	0.0050
		191	0.1300
		189	0.0750
		188	0.0050
		195	0.1040
		162	0.3000
		255	0.2525
		257/1क	0.1500
		254	0.0100
		252/1	0.1000
		252/2	0.1500
	DANGAHI	251	0.3445
		259	0.0455
		204	0.0455
		205	0.0050
		203	0.1625
		207	0.1690
		208	0.1625
		201	0.0455
		212	0.0820
		214	0.1820
		215	0.0065
		216	0.0975
		48	0.0260
		50	0.1625
		49	0.1430
		52	0.1495
		42	0.0325
		40	0.1430
		39	0.0160

S.No.	NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
1	2	3	4
	DANGAHI Contd.....	34	0.0650
		29	0.2300
		41/2	0.0975
		31	0.0195
		15	0.0100
		13	0.1000
		12	0.3600
		9	0.3600
		8	0.3445
		1	0.3800
10	BHAISARWAS	733	0.0260
		731	0.0050
		730	0.0350
		732/1	0.0150
		639	0.0975
		637	0.0975
		633	0.0050
		635	0.1625
		636	0.0100
		615	0.0130
		614/3	0.0150
		614/2	0.0455
		614	0.0650
		614/1	0.0050
		613	0.0200
		588	0.0325
		591	0.0260
		592	0.0250
		557	0.0455
		556	0.2045
		555	0.1690
		554	0.0400
		495	0.0040
		496/2	0.1365
		496/1	0.1625

S.No.	NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
1	2	3	4
	BHAISARWAS Contd.....	498	0.0065
		497	0.0800
		499/3	0.0455
		499/2	0.1200
		501	0.0150
		476	0.1040
		502	0.0300
		475/1	0.0910
		475/2	0.0600
		475/3	0.0100
		474	0.1430
		473/2	0.0200
		473/1	0.0390
		503	0.3835
		505	0.1400
		504	0.0065
		76/2	0.1625
11	BASRA	215	0.2405
		214	0.5200
		192	0.5000
		193	0.0050
		196	0.0455
		197	0.0455
		198	0.1365
		199	0.0650
		133/1	0.0050
		133/2	0.3400
		133/3	0.1000
		135	0.3000
		132	0.0050
		131/2	0.3000
		124	0.0325
		125	0.0195

S.No.	NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
1	2	3	4
	BASRA	Contd....	
		121	0.1040
		122/1	0.2500
		122/3	0.0150
		119	0.0780
		107/2	0.2000
		107/3	0.1625
		107/1	0.1040
		106	0.0130
		105	0.3250
		104	0.0150
12	KURVAY	173	0.2275
		117	0.5950
		117/2	0.0900
		116	0.4290
		95	0.0130
		12	0.2015
		9	0.0910
		3	0.0065
		2	0.3510
13	KAKRUARAY	576	0.1170
		574	0.0090
		569	0.0200
		308	0.0100
		310	0.0050
		307/3ख	0.0050
		340	0.0020
		302/1	0.0150
		304/3	0.2600
		304/2	0.1000
		304/1	0.0520
		281	0.0195
		264	0.0325
		263	0.0130
		249	0.0325
		251	0.1500

S.No.	NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
1	2	3	4
	KAKRUARAY Contd.....	247	0.1820
		252	0.0195
		254	0.0260
		256	0.0130
		257	0.1300
		258	0.0225
		259	0.0425
		244	0.0750
		240	0.2405
		243	0.0050
		238	0.2015
		237	0.1300
		153/582	0.0325
		236	0.0065
		147	0.0520
		146	0.1430
		145	0.0020
14	BAHERI PACHHAR	12/1	0.0455
		12/2	0.0390
		14/1	0.1560
		14/2	0.2275
		15/1क } 15/1ख }	0.1755
		15/2	0.1430
		83	0.2860
		82	0.1625
		84	0.0130
		85	0.1495
15	MATHNER	950	0.0050
		939	0.1365
		944	0.1690
		943	0.0100
		940	0.2000
		856	0.3640
		899	0.0800

S.No.	NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
1	2	3	4
	MATHNER Contd....	897	0.0130
		905	0.0800
		906	0.0325
		898	0.1100
		933	0.0020
		907	0.0520
		911	0.1300
		928	0.0050
		912	0.0100
		502	0.1820
		500	0.2000
		501	0.0600
		499	0.1820
		508	0.0100
		487	0.2275
		488	0.2340
		483	0.2535
		62	0.0100
		61	0.0100
		33	0.1820
		32	0.0200
		34	0.2275
		35	0.2200
		31	0.3500
		36	0.1430
		29	0.1000
		28	0.5750
		22	0.2730
		21	0.0050
16	MOHRI GYAN	261	0.1560
		262	0.1000
		266	0.3250
		265	0.0250
		268	0.0250
		284	0.1400

No.	NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
1	2	3	4
	MOHRI GYAN Contd.....	287	0.2150
		286	0.0300
		288	0.1820
17	DAMOH	242	0.1625
		243	0.1625
		244/1 } 244/2 }	0.1400
		245/2	0.1560
		248	0.0065
		279	0.0030
		280	0.0390
		281	0.2990
		282	0.0130
		291	0.2990
18	MADHI KANUNGO	19	0.0195
		20/1	0.1300
		20/2	0.0455
		20/3	0.0845
		22	0.2200
		24/2	0.0040
		32	0.0325
		31	0.1430
		33	0.1625
		57	0.1700
		42/5	0.0065
		42/7	0.1625
		48	0.0780
		56	0.0520
		43	0.0520
		46	0.0650
		47	0.0020
		49	0.0260
		53	0.3120

S.No.	NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
1	2	3	4
	MADHI KANUNGO Contd...	55	0.0130
		110/2	0.1235
		111	0.1800
		381	0.0325
		382/2	0.3705
		405	0.3185
		404/2	0.0845
		404/3/3	0.0325
		404/3/2	0.1500
		404 M	0.2275
		403	0.1300
		527	0.0220
		528	0.0195
		529	0.1500
		564	0.2800
		567	0.0325
		566	0.0020
		568	0.1430
		578	0.2145
		579	0.0520
		581	0.0845
		627	0.2600
		626	0.2080
		634	0.0040
		630	0.0040
		633	0.2925
		635	0.2860
		651	0.0520
		637	0.0700
		650	0.1300
		638	0.1560

S.No.	NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
1	2	3	4
	MADHI KANUNGO Contr...	639	0.1430
		647	0.0100
		644	0.1365
		642	0.2925
		758	0.0260
19	VIJAYPURA	1	0.3050
		31	0.2308
		36	0.2470
		37	0.0130
		56	0.0900
		55	0.0200
		54/2	0.0130
		54/1	0.0715
		66	0.0350
		67/1	0.0910
		53	0.0780
		72	0.0130
		71	0.1700
		76	0.0520
		75	0.1650
		82	0.0910
		83	0.0200
		84	0.4700
		92	0.1300
		95/1	0.2000
		101	0.0900
		102/1	0.0040
		96/1	0.1300
		99	0.4095
		98	0.0065
		155	0.0845

S.No.	NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
1	2	3	4
	VIJAYPURA	Contd....	
		201	0.2860
		203/2	0.1135
		203/3	0.0100
		203/4	0.1200
		198	0.0260
20	KAITHAI	77	0.1040
		73	0.0100
		76	0.0100
		78/2	0.1430
		78/3	0.1600
		72	0.0450
		71	0.1200
		70	0.2665
		85/353	0.0040
		130	0.0975
		82	0.0150
		83	0.0040
		84/352	0.0520
		84	0.0200
		132	0.0150
		131	0.2665
		133	0.0500
		127	0.0600
		126	0.0600
		134	0.1500
		135	0.2000
		136	0.0805
		137	0.0300
		121	0.3510
		120	0.0250
		141	0.3500
		143	0.3500

S.No.	NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
1	2	3	4
	KAITHAI	Contd.....	
		146	0.1560
		155	0.0400
		147	0.0950
		148	0.0300
		149	0.0325
		150	0.1105
		154	0.0300
		151	0.2000
		148 B	0.1040
		106	0.0390
		180/2	0.0050
		181	0.3510
21	KUNDAURA	559	0.0230
		558	0.0325
		557	0.1300
		560	0.0200
		561	0.0040
		562	0.0150
		563	0.2438
		586	0.2600
		587	0.0715
22	KELARAS	45	0.0650
		46	0.0100
		44	0.0975
		43	0.1105
		42	0.1430
		41/1	0.1040
		41/2	0.1170
		40	0.0040
		51/1	0.1885
		31	0.1560
		30	0.0040

S.No.	NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
1	2	3	4
	KELARAS	Contd.....	
		57	0.0850
		28/1	0.3600
		28/2	0.0020
		58	0.0050
		27	0.0400
		61	0.3900
		1	0.1000

[No. R-31015/8/2008-O.R.-II]
A. GOSWAMI, Under Secy.

नई दिल्ली, 16 अक्टूबर, 2008

का.अ. 2899.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 372 तारीख 21 फरवरी, 2008, जो भारत के राजपत्र तारीख 23 फरवरी, 2008 में प्रकाशित की गई थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में मध्यप्रदेश राज्य में बीना संस्थापन से राजस्थान राज्य में कोटा तक पेट्रोलियम उत्पादों के परिवहन के लिए बीना-कोटा पाइपलाइन परियोजना के माध्यम से भारत पेट्रोलियम कार्पोरेशन लिमिटेड द्वारा एक पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन के अपने आशय की घोषणा की थी ;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 27 जून, 2008 को उपलब्ध करा दी गई थी ;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन, केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है ;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात, और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिये अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है ;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है ;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख को केन्द्रीय सरकार में निहित होने की बजाए, सभी विल्लंगमों से मुक्त, भारत पेट्रोलियम कार्पोरेशन लिमिटेड में निहित होगा ।

अनुसूची

तहसील : गुना

जिला : गुना

राज्य : मध्य प्रदेश

क्र.सं.	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हैक्टेयर में
1	2	3	4
1	माहर	7	0.0390
		66	0.2340
		64	0.0910
		65	0.0020
		62	0.1463
		63	0.0300
		60	0.0585
		81/1	0.1235
		81/2	0.0455
		80/1	0.0650
		80/4	0.0845
		80/3	0.0020
		95/2	0.0500
		96	0.0500
		95/1	0.1000
		94	0.1600
		92	0.0060
		90	0.0040
		91	0.0585
		87	0.0220
		93	0.1105
		106	0.1105
		107	0.0520
		109	0.0195
		110	0.1560
		111	0.0800
		116	0.0050
		112	0.2300
		114	0.0100

क्र.सं.	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हेक्टेयर में
1	2	3	4
	माहर (जारी....)	113	0.2100
		122	0.0455
		416	0.3100
		417	0.0100
		414	0.1170
		413	0.2535
		407	0.1430
		408	0.0020
		406	0.1203
		404/2	0.1900
		405	0.0715
		402/1	0.0750
		51	0.0130
		593	0.2100
		596	0.2275
		597	0.1625
		599	0.0100
		592	0.0390
		714	0.0985
		713	0.2275
		712/1	0.1625
		711	0.1200
		718	0.0520
		708	0.0080
		703/2	0.2200
		703/1	0.3200
		702	0.1300
		701/1	0.0455
		701/2	0.2450
		700	0.0350

क्र.सं.	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हैक्टेयर में
1	2	3	4
	माहर (जारी....)	719	0.2795
		689	0.0228
		697/1	0.0065
		706	0.0130
		696	0.4500
		696/1ख	0.0040
		677	0.0390
		794	0.2665
		816	0.2925
		815	0.0130
		819	0.4500
		683	0.0325
		821	0.0080
		831	0.0040
		850	0.1000
		848	0.3200
		849	0.0130
		847/3	0.0260
		847/2	0.2000
		847/4	0.0650
		847/1ग	0.0020
		845	0.0520
		970/2	0.1918
		970/1	0.0813
		971/1	0.0748
		972	0.0130
		973	0.4550
		984	0.1170

क्र.सं.	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हेक्टेयर में
1	2	3	4
	माहर (जारी....)	983	0.0715
		981	0.2925
		979	0.3120
		995	0.0020
		978	0.0910
2	कींदर	8	0.1040
		9	0.1200
		48	0.1950
		47/1	0.3380
		50	0.0040
		45	0.3120
		44/2	0.0585
		51	0.0260
		61	0.1755
		62	0.4225
		108	0.2275
		107/2/4	0.0950
		107/1/3	0.1820
		107/2/2	0.1300
		107/2/3	0.0080
		106	0.0195
		105/1/2क	0.1235
		105/1/1	0.3055
		105/1/2ख	0.0195
		104/1/2ड	0.0358
		104/2	0.0020
		104/1/2ग	0.0065
		104/1/2ख	0.1690
		104/1/2क	0.0715

क्र.सं.	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हैक्टेयर में
1	2	3	4
	कींदर (जारी....)	182/1	0.0130
		182/5	0.0650
		198/1/2	0.6200
		195	0.0700
		197	0.2405
		211/1	0.0390
		210	0.1040
		208	0.1500
		207	0.0975
		204	0.1500
		205	0.1300
3	सरखड़ी	86	0.0600
		85/3/3	0.0300
		85/2/2	0.0065
		85/3/2	0.2405
		85/1	0.0100
4	टोरिया	253/2	0.0520
		252	0.3450
		250	0.0325
		251	0.1528
		248	0.3770
		245	0.0020
		247/1	0.1200
		247/2	0.0800
		232/3क	0.0020
		232/2	0.0250
		232	0.0250
		232/1	0.2000
		246	0.0195

क्र.सं.	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हेक्टेयर में
1	2	3	4
5	मावन	869	0.0195
		844	0.1853
		845	0.0050
		843	0.2015
		842	0.1690
		841	0.0975
		830	0.4095
		831	0.3350
		824	0.0200
		823	0.2730
		678	0.1600
		269	0.0422
		274	0.1625
		271	0.0195
		263	0.2500
		277/2	0.2000
		276	0.0040
		277/1	0.0040
		279	0.1700
		295	0.1105
		297	0.2405
		298	0.0455
		299	0.0910
		300	0.1550
		301	0.0020
		304	0.1560
		303	0.2925
		308	0.6100
		320	0.0020
		147	0.0325

क्र.सं.	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हेक्टेयर में
1	2	3	4
	मावन (जारी.....)	321	0.3900
		146	0.1170
		145	0.3900
		140	0.2340
		139	0.0050
		114 } 141 }	0.0228
		92	0.0455
		93	0.2925
		97	0.0650
		96	0.0845
		94	0.0250
		95	0.3100
		100	0.0520
		86	0.3835
		105	0.0325
		106	0.3100
		22	0.0260
		14	0.0020
		15	0.1820
		16	0.0910
		18	0.1200
		17	0.2000
		11	0.0195
		4	0.0975
		5	0.1723
		2	0.0910
6	सिंगबासा	202	0.4700
		200	0.1200
		201	0.0130

क्र.सं.	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हैक्टेयर में
1	2	3	4
	सिंगबासा (जारी...)	129/2	0.1700
		129/1	0.1365
		130	0.1040
		131	0.0130
		132	0.0600
		133	0.1300
		156	0.0100
		134	0.1040
		135	0.1300
		106	0.0700
		136	0.1700
		137	0.0130
		144	0.0800
		13	0.7150
		11	0.9100
7	गुना छावनी	872	1.7550
		876	1.0010
		875	0.0325
		873	1.1505
		874	0.0400
8	पिपरोदा खुर्द	73	0.0195
		69/17/3/1	0.1170
		69/19ख	0.3000
		69/17/2/4	0.1690
		69/18/1क	0.0040
		69/18/2ख	0.0800

क्र.सं.	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हैक्टेयर में
1	2	3	4
	पिपरोदा खुर्द (जारी...)	87	0.2600
		88/382	0.1625
		86	0.0325
		85	0.2275
		76	0.0150
		84	0.0230
		139	0.1000
		150	0.3300
		146	0.1820
		144	0.0020
		145	0.2210
		160	0.0195
		164	0.3575
		171	0.0195
		30	0.0585
		28	0.0800
		26	0.1430
		25	0.0910
		37	0.1885
		38	0.2275
		45	0.0020
		39	0.1430
		40	0.1625
		41	0.1625
		43	0.1170
		2	0.8800
		2/2	0.2145
		3	0.3100
		4	0.0200

क्र.सं.	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हैक्टेयर में
1	2	3	4
9	सकतपुर	13	0.0200
		14/1	0.0520
		14/2	0.0020
		25	0.1820
		24	0.0195
		23	0.1170
		16	0.1430
		20	0.0150
		17	0.0585
		18	0.0130
		19	0.0260
		84	0.0130
		85	0.1755
		92	0.0500
		91	0.0680
		11	0.0040
		93	0.1560
		94	0.3515
		114	0.1235
		11/216	0.0325
10	चकसकतपुर	149	0.0260
		62	0.3575
		62/5	0.0300
		63	0.1300
		64	0.1430
		72	0.1885
		52	0.0650
		53	0.0650
		46	0.0650
		47	0.0325

क्र.सं.	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हैक्टेयर में
1	2	3	4
	चक्रसकतपुर (जारी....)	40	0.0650
		41	0.0780
		37	0.0520
		16	0.0130
		8/1	0.2340
		9/1	0.1528
		10	0.2340
		11	0.1200
		12	0.3600
		13	0.0650
		2/2	0.0200
11	गनेशपुरा	122	0.0200
		121	0.1235
		120	0.1430
		118/1	0.4745
		118/2	0.0300
		117/3	0.1528
		117/2	0.2925
		117/1	0.0650
		119	0.0260
		4/2	0.1105
12	महाराजपुरा	44	0.4420
		43/1	0.0650
13	पुरापोसर	521	0.0100
		520	0.3770
		526/2	0.0150
		526/1	0.2350
		527/1	0.0150
		518	0.1040
		517	0.0020

क्र.सं.	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हैक्टेयर में
1	2	3	4
	पुरापोसर (जारी...)	532	0.0020
		535	0.0100
		533	0.3100
		536	0.0100
		539/2	0.1100
		537	0.0520
		502	0.0455
		506	0.1560
		499	0.0455
		500/1/1	0.3100
		500/2	0.1105
		500/5	0.2405
		500/6	0.0813
		500/8	0.2700
		87	0.0390
		498	0.1560
		465	0.0390
		178/1	0.2665
		230	0.0910
		231	0.1105
		227	0.0780
		226	0.0520
		212	0.0130
		235	0.0845
		236	0.0200
		114/1	0.0325
		130	0.0130
		129	0.0800

क्र.सं.	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हैक्टेयर में
1	2	3	4
	पुरापांसर (जारी.....)	115/2	0.0260
		128	0.0040
		116	0.1300
		119	0.0020
		113	0.0130
		111	0.9800
		111/1क20	0.0080
		111/1क9	0.2900
		111/2	0.2665
		111/1क16	0.1365
14	मिनख्याई	121/2	0.4100
		121/1ड	0.0650
		122	0.0200
		115/3	0.5600
		110	0.0700
		111	0.0520
		114	0.0200
		112	0.0910
		113	0.0500
		100	0.0585
		99	0.0350
		95	0.0500
		92	0.1105
		83/1	0.0600
		83/3	0.0900
		80	0.0850
		79/301	0.0100
		79	0.0500

क्र.सं.	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हैक्टेयर में
1	2	3	4
	विनख्याई (जारी....)	73	0.1650
		72	0.0100
		74	0.0520
		70	0.1300
		69	0.1100
		68	0.0325
		67	0.0130
		66	0.0130
		65	0.0390
		64	0.0585
		62	0.1560
		63	0.3510
		13/26	0.3100
15	विशोनिया	17/1/10/2	0.2015
		17मि.	0.0325
		17/1/15	0.1885
		19/229/3	0.1040
		19	0.2300
		20	0.2730
		21/2	0.4700
		21/3/1	0.0650
		21/3/2	0.0300
		21/3/3	0.0040
		33/1	0.1105
		33/2	0.0455
		36/1	0.1000
		38/1	0.2600
		39/4	0.0020
		39/3	0.0040
		39/2	0.0065
		38/3/1	0.0325

क्र.सं.	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हैक्टेयर में
1	2	3	4
	विशोभिय। (जारी....)	38/3/3	0.1400
		63	0.0400
		104	0.0650
		105/1/1	0.0293
		105/5	0.0520
		103	0.0260
		105/4	0.1430
		105/1/2	0.0500
		105/6	0.1000
		65/1	0.0195
		1	0.0390
16	किशनगढ़	156	0.0160
		132/1	0.2300
		132/2	0.0050
		91/1	0.3055
		92	0.0455
		93	0.0325
		68	0.1300
		67	0.5200
		70	0.0020
		66	0.2275
		65/3	0.2500
		65/2/1	0.1100
		65/1	0.0500
		8	0.0325
		4	0.3800
		7	0.0845
		6	0.1500
		3/13/4	0.1300
		1	2.0736

क्र.सं.	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हैक्टेयर में
1	2	3	4
17	रिहाना	90मि	1.6500
		18	0.0400
		90/1/2	0.3800
		91/2/4	0.1500
		91/2/3	0.1900
		19/4	0.0845
		91/2/2	0.0200
		64	0.3705
		63/2/1	0.3510
		63/1	0.2300
		20	0.0200
		25	0.2145
		27	0.1700
		24/1/2	0.1000
		24/1/3	0.0910
		11/1/2	0.2145
		10/1	0.1105
		10/2	0.1600
		9	0.0080
		5	0.0040
		6	0.2210
		7	0.0020
		13	0.0650
		2	0.2860
		1	0.2340
18	वींदाखेड़ी	53	0.0650
		50	0.0650
		49	1.0075
		24	0.1885

क्र.सं.	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हैक्टेयर में
1	2	3	4
	वींदाखेडी (जारी....)	25	0.4615
		21	0.0020
		20	0.0260
		19	0.1690
		17	0.2275
19	धनोरिया	39	0.0260
		41	0.0100
		37/2/1	0.0350
		38	0.1400
		45/1	0.0520
		45/2	0.0455
		47/5	0.1700
		46	0.3000
		47/4	0.1820
		47/3	0.0300
		47/2	0.3800
		47/6	0.0050
		47/1/1ख	0.0050
		33	0.0130
		34/2	0.2200
		25/32/1	0.0800
		25	0.2210
		28	1.4300
		28/8	0.1300
		28/10	0.1300
		27/1	0.3200
		3	0.0845

क्र.सं.	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हैक्टेयर में
1	2	3	4
	घनोरिया (जारी...)	4	0.0520
		12/1	0.1040
		6	0.2470
		5	0.0020
		8/2	0.0715
20	सावरामोदी	141 } 298 }	0.1430
		144	0.5400
		148	0.0100
		147/18	0.5100
		147/15	0.0040
		147/5	0.0650
		147/16	0.2600
		132	0.0400
		146	0.5000
		126/1ख	0.1430
		129	0.3300
		128	0.6110
21	पोरुखेड़ी	66मि.	0.5500
		70	0.0260
		69	0.0900
		141/26	0.2145
		141/1	0.2800
		141/36	0.1500
		141/35	0.1170
		74	0.0390
		75	0.0845
		141/12	0.0080
		76	0.2275
		140	0.0260

क्र.सं.	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हैक्टेयर में
1	2	3	4
	पोरुखेड़ी (जारी....)	132/5/5	0.2650
		132/5/2	0.1690
		130/5/3	0.1950
		130/5/1	0.1560
		132/2ख	0.0845
		132/2क	0.3000
		132/1ख	0.1625
		132/1क	0.1690
		131/1क	0.2405
		131/2	0.1040
		131/6/2	0.0325
		131/9	0.3310
22	सुहाया	15	0.0260
		16	0.4500
		16/393	0.0130
		307/1/7	0.0845
		307/1/6	0.0650
		297	0.1900
		298/1	0.0065
		296	0.3000
		295	0.1040
		294/1	0.0975
		294/2	0.0845
		291	0.0576
		292	0.1365
		44	0.0200
		274	0.2210
		273	0.2405

क्र.सं.	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हैक्टेयर में
1	2	3	4
	सुहाया (जारी...)	272	0.0065
		270	0.0455
		271	0.0600
		269/1/5	0.2000
		269मि.	0.0130
		268	0.1300
		267	0.1430
		266	0.0520
		265	0.0130
		390	0.0520
		264	0.0325
		262	0.2080
		263	0.1560
		258	0.7800
		258/9/2	0.2800
23	बृजाबमोरी	15/3	0.0390
		1	0.0845
24	पथरिया	70	0.0130
		51	0.1430
		69/2	0.1040
		69/1	0.0715
		68	0.2700
		43	0.0260
		52	0.1820
		67	0.0780
		65/1	0.1280
		65/2	0.0040
		64	0.0800
		141	0.2100
		138	0.0040

क्र.सं.	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हैक्टेयर में
1	2	3	4
	पथरिया (जारी...)	140	0.0450
		156	0.4100
		157	0.0050
		95	0.0450
25	भूराखेड़ी	183	0.1885
		182/2/3	0.1235
		70	0.0130
		182/2/4	0.1040
		72/1	0.0030
		182/2/3	0.0845
		72/2	0.0030
		182	0.1560
		95	0.0650
		92	0.0650
		97/2	0.0390
		97/1	0.2145
		108/2	0.3835
		111	0.0325
		104	0.1700
		114	0.2535
		120/1/3	0.1040
		121	0.1235
		122	0.1000
		120/1/1	0.0100
		118	0.0200
26	धुरेला	81	0.0110
		80/1	0.1200
		78	0.3200
		95/4	0.0550
		100	0.0325

क्र.सं.	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हैक्टेयर में
1	2	3	4
	घुरेला (जारी....)	103	0.0325
		96	0.0200
		99	0.0920
		117	0.0200
		118/2	0.0600
		118/1	0.0150
		116	0.1300
		120	0.0195
		124	0.2500
		122/2	0.0325
		123/1	0.0585
		134	0.1170
		135	0.0130
		136	0.1625
		23	0.1560
		22	0.2405
		21/2	0.0715
27	सेमराखेड़ा	62/3ख	0.1700
		62/1	0.2200
		62/3क	0.0100
		60/5	0.0020
		60/3	0.1300
		61	0.1300
		73	0.3900
		77/1	0.0390
		76/1	0.1300
		76/2	0.1300
		75	0.2000
		80	0.1755
		74	0.0260

क्र.सं.	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हैक्टेयर में
1	2	3	4
28	रामनगर	123/2	0.0845
		123/1	0.0650
		124/2	0.0650
		124/1	0.0780
		125/1	0.0325
		129	0.0130
		127/1	0.1430
		128	0.0910
		131	0.0030
		132	0.2080
		133	0.2275
		135/1	0.0650
		120/1	0.0845
		101	0.0050
		102	0.0520
		103/8	0.3500
		103/1ग	0.1200
		103/1क	0.0200
		99	0.0163
		44/1	0.2145
		79/2	0.1100
		79/4ख	0.0165
		79/4क	0.0520
		79	0.9425
		79/1घ	0.1040
		77/2क	0.0650
		84/2	0.1100
		84/1	0.2100
		85	0.0715
		79/1ग	0.0325

क्र.सं.	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हैक्टेयर में
1	2	3	4
	रामनगर (जारी...)	83	0.0130
		86	0.0845
		88	0.0715
		82/1	0.0050
		89	0.0195
29	टकोदिया	43/2	0.2800
		43/3	0.0780
		47	0.2800
		46	0.0130
		45/1	0.0910
		70	0.0130
		69/1	0.3400
		69/2	0.3800
30	किशनपुरा	185	0.1885
		174	0.0200
		177	0.0200
		172	0.1800
		176	0.0845
		180	0.0520
		175/2	0.5330
31	भूमराखेड़ी	76/1	0.0325
		76/2	0.0150
		77	0.0845
		75	0.1690
32	चकपारसीखेड़ा	51	0.1430
		52	0.0100
		49	0.4600
		50	0.0200
		35	0.5200
		39	0.4100

क्र.सं.	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हेक्टेयर
1	2	3	4
	यकपारसीखेड़ा (जारी...)	38	0.1900
		37	0.0350
		28	0.2500
		27	0.3700
		29	0.0050
		26	0.0130
		19	0.0845
		20	0.4745
		14/3/3	0.0325
		14/3/1	0.1950
		14/2क	0.1755
		14/2ख	0.1440
		21	0.0250
		22	0.0040
		1	0.0800
33	अजरोड़ा	176	0.3445
		179/201	0.2470
		180	0.1300
		181	0.1755
		191	0.0390
		182/1/2	0.1300
		182/2/2	0.1800
		182/2/3	0.1820
		182/2/4	0.1105
		183/1	0.2275
		183/2/2	0.1950
		145	0.0650
		184	0.0640
		187	0.0020
		135	0.3708
		136	0.2900

क्र.सं.	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हैक्टेयर में
1	2	3	4
34	बनियानी	186	0.0910
		187	0.2600
		188	0.1658
		190	0.0390
		178	0.1820
		179	0.0650
		182	0.0100
		180	0.1400
		175	0.4200
		173	0.0293
		170	0.1105
		171	0.2080
		161	0.0400
		172	0.0020
		130	0.1000
		128	0.1170
		131	0.0300
		129	0.1430
		132	0.0163
		90	0.1300
		54	0.5915
		53	0.0195
		43	0.5200
		41	0.3400
		36	0.0450
		38	0.0250
		37	0.0325

क्र.सं.	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हैक्टेयर में
1	2	3	4
	बनियानी (जारी...)	13	0.0910
		12	0.1700
		10	0.1950
		8	0.1950
		5	0.3000
		4	0.1900
		3	0.0520
		2	0.0195
		1	0.0130
35	पाखर	56	0.4000
		59/1	0.1680
		57	0.0130
		58/2	0.1900
		58/1	0.6240
		60/2	0.0500
		55	0.0130
		54	0.0130
		53	0.0130
		34	0.2800
		33	0.4355
		27/4	0.4225
		31	0.0943
		32	0.0195
		27/7	0.3000
36	आनापुरा	27/8	0.1625
		33	0.0325
		34/2	0.1500
		39	0.1175
		38	0.0360

क्र.सं.	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हेक्टेयर में
1	2	3	4
	आनापुरा (जारी....)	34/2/1	0.1755
		35/2/4	0.1625
		35/2/5	0.4160
		35/2/3	0.1625
		35/1/3	0.1755
		36	0.0195
37	वींदाराड़ा	19/2	0.0020
		18/4	0.1300
		17	0.1625
		16	0.2925
		18/1	0.3775
		13	0.3250
		12	0.0325
		11/1	0.0275
		11/2	0.0050
38	सेमरा	70	0.1820
		71/2	0.2600
		71/1	0.0020
39	पाठी	22	0.2275
		20	0.1105
		19	0.0130
		18	0.3445
		23/3	0.0050
		16/2	0.3600
		24	0.0400
		15	0.0195
		13	0.2535
		12	0.2275

क्र.सं.	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हैक्टेयर में
1	2	3	4
40	पाठी (जारी...)	9	0.2275
		7	0.5395
		35	0.2925
		36	0.2990
		10	0.4270
		11/2	0.0390
		12	0.0200
		13	0.0920
		23	0.1300
		15	0.2200
		16	0.2800
		22	0.5000
		26	0.0325
		20	0.0010
		30	0.0520
		28	0.0100
		21	0.2470
		64	0.3445
		65	1.2700
		66	0.8125
		83	0.0325
		130	1.1400
		92	0.0300
		93	0.2900
		91	0.2275
		90	0.2925
		97	0.0200
		89	0.5850
		99	0.0020

क्र.सं.	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हैक्टेयर में
1	2	3	4
	हमीरपुर (जारी...)	84	0.0050
		85	0.1350
		88	0.0600
		87	0.0900
		86	0.5200

[फा. सं. आर-31015/11/2008-ओ.आर II]

ए. गोस्वामी, अवर सचिव

New Delhi, the 16th October, 2008

S. O. 2899.—Whereas by a notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. No.372, dated the 21st February, 2008, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act) published in the Gazette of India dated the 23rd February, 2008, the Central Government declared its intention to acquire the right of user in the land, specified in the Schedule appended to that notification for the purpose of laying a pipeline for transportation of petroleum products through Bina-Kota Pipeline Project from Bina terminal in the State of Madhya Pradesh to Kota in the State of Rajasthan by Bharat Petroleum Corporation Limited :

And whereas the copies of the said Gazette notification were made available to the public on the 27th June, 2008:

And whereas the competent authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Central Government:

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire the right of user therein :

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the said land, specified in the Schedule, appended to this notification, is hereby acquired for laying the pipeline:

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest on the date of the publication of this declaration, in Bharat Petroleum Corporation Limited, free from all encumbrances.

SCHEDULE**TEHSIL : GUNA****DISTRICT : GUNA****STATE : MADHYA PRADESH**

S.No.	NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
1	2	3	4
	MAHAR	7	0.0390
		66	0.2340
		64	0.0910
		65	0.0020
		62	0.1463
		63	0.0300
		60	0.0585
		81/1	0.1235
		81/2	0.0455
		80/1	0.0650
		80/4	0.0845
		80/3	0.0020
		95/2	0.0500
		96	0.0500
		95/1	0.1000
		94	0.1600
		92	0.0060
		90	0.0040
		91	0.0585
		87	0.0220
		93	0.1105
		106	0.1105
		107	0.0520
		109	0.0195
		110	0.1560
		111	0.0800
		116	0.0050
		112	0.2300
		114	0.0100

S.No.	NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
1	2	3	4
MAHAR	Contd....	113	0.2100
		122	0.0455
		416	0.3100
		417	0.0100
		414	0.1170
		413	0.2535
		407	0.1430
		408	0.0020
		406	0.1203
		404/2	0.1900
		405	0.0715
		402/1	0.0750
		51	0.0130
		593	0.2100
		596	0.2275
		597	0.1625
		599	0.0100
		592	0.0390
		714	0.0585
		713	0.2275
		712/1	0.1625
		711	0.1200
		718	0.0520
		708	0.0080
		703/2	0.2200
		703/1	0.3200
		702	0.1300
		701/1	0.0455
		701/2	0.2450
		700	0.0350

S.No.	NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
1	2	3	4
MAHAR	Contd....	719	0.2795
		689	0.0228
		697/1	0.0065
		706	0.0130
		696	0.4500
		696/1ख	0.0040
		677	0.0390
		794	0.2665
		816	0.2925
		815	0.0130
		819	0.4500
		683	0.0325
		821	0.0080
		831	0.0040
		850	0.1000
		848	0.3200
		849	0.0130
		847/3	0.0260
		847/2	0.2000
		847/4	0.0650
		847/1ग	0.0020
		845	0.0520
		970/2	0.1918
		970/1	0.0813
		971/1	0.0748
		972	0.0130
		973	0.4550

S.No.	NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
1	2	3	4
1	MAHAR Contd....	984	0.1170
		983	0.0715
		981	0.2925
		979	0.3120
		985	0.0020
		978	0.0910
		8	0.1040
		9	0.1200
		48	0.1950
		47/1	0.2380
		50	0.0040
		45	0.3120
		44/2	0.0585
		51	0.0260
		61	0.1755
		62	0.4225
		108	0.2275
		107/2/4	0.0950
		107/1/3	0.1820
2	KEENDAR	107/2/2	0.1300
		107/2/3	0.0080
		106	0.0195
		105/1/2क	0.1235
		105/1/1	0.3055
		105/1/2ख	0.0195
		104/1/2ङ	0.0358
		104/2	0.0020
		104/1/2ग	0.0065
		104/1/2घ	0.1690

S.No.	NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
1	2	3	4
	KEENDAR	Contd....	
		104 / 1 / 2क	0.0715
		182/1	0.0130
		182/5	0.0650
		198/1/2	0.6200
		195	0.0700
		197	0.2405
		211/1	0.0390
		210	0.1040
		208	0.1500
		207	0.0975
		204	0.1500
		205	0.1300
3	SARKHADI	86	0.0600
		85/3/3	0.0300
		85/2/2	0.0065
		85/3/2	0.2405
		85/1	0.0100
4	TORIYA	253/2	0.0520
		252	0.3450
		250	0.0325
		251	0.1528
		248	0.3770
		245	0.0020
		247/1	0.1200
		247/2	0.0800
		232/3क	0.0020
		232/2	0.0250
		232	0.0250
		232/1	0.2000
		246	0.0195

S.No.	NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
1	2	3	4
5	MAVAN	869	0.0195
		844	0.1853
		845	0.0050
		843	0.2015
		842	0.1690
		841	0.0975
		830	0.4095
		831	0.3350
		824	0.0200
		823	0.2730
		678	0.1600
		269	0.0422
		274	0.1625
		271	0.0195
		263	0.2500
		277/2	0.2000
		276	0.0040
		277/1	0.0040
		279	0.1700
		295	0.1105
		297	0.2405
		298	0.0455
		299	0.0910
		300	0.1550
		301	0.0020
		304	0.1560
		303	0.2925
		308	0.6100
		320	0.0020
		147	0.0325

S. No.	NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
1	2	3	4
5	MAVAN Contd....	321	0.3900
		146	0.1170
		145	0.3900
		140	0.2340
		139	0.0050
		114 } 141 }	0.0228
		92	0.0455
		93	0.2925
		97	0.0650
		96	0.0845
		94	0.0250
		95	0.3100
		100	0.0520
		86	0.3835
		105	0.0325
		106	0.3100
		22	0.0260
		14	0.0020
		15	0.1820
		16	0.0910
		18	0.1200
		17	0.2000
		11	0.0195
		4	0.0975
		5	0.1723
		2	0.0910
6	SINGBASA	202	0.4700
		200	0.1200
		201	0.0130

S.No.	NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
1	2	3	4
	SINGBASA	Contd.....	
		129/2	0.1700
		129/1	0.1365
		130	0.1040
		131	0.0130
		132	0.0600
		133	0.1300
		156	0.0100
		134	0.1040
		135	0.1300
		106	0.0700
		136	0.1700
		137	0.0130
		144	0.0800
		13	0.7150
		11	0.9100
7	GUNA CHHAWANI	872	1.7550
		876	1.0010
		875	0.0325
		873	1.1505
		874	0.0400
8	PIPRODA KHURD	73	0.0195
		69/17/3/1	0.1170
		69/19ख	0.3000
		69/17/2/4	0.1690
		69/18/1क	0.0040
		69/18/2ख	0.0800

S.No.	NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
1	2	3	4
	PIPRODA KHURD Contd...	87	0.2600
		88/382	0.1625
		86	0.0325
		85	0.2275
		76	0.0150
		84	0.0230
		139	0.1000
		150	0.3300
		146	0.1820
		144	0.0020
		145	0.2210
		160	0.0195
		164	0.3575
		171	0.0195
		30	0.0585
		28	0.0800
		26	0.1430
		25	0.0910
		37	0.1885
		38	0.2275
		45	0.0020
		39	0.1430
		40	0.1625
		41	0.1625
		43	0.1170
		2	0.8800
		2/2	0.2145
		3	0.3100
		4	0.0200

S.No.	NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
1	2	3	4
9	SAKATPUR	13	0.0200
		14/1	0.0520
		14/2	0.0020
		25	0.1820
		24	0.0195
		23	0.1170
		16	0.1430
		20	0.0150
		17	0.0585
		18	0.0130
		19	0.0260
		84	0.0130
		85	0.1755
		92	0.0500
		91	0.0680
		11	0.0040
		93	0.1560
		94	0.3515
		114	0.1235
		11/216	0.0325
10	CHAKSAKATPUR	149	0.0260
		62	0.3575
		62/5	0.0300
		83	0.1300
		64	0.1430
		72	0.1885
		52	0.0650
		53	0.0650
		46	0.0650
		47	0.0325

S.No.	NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
1	2	3	4
	10. KSAKATEPUR G.P.	40	0.0650
		41	0.0780
		37	0.0520
		16	0.0130
		8/1	0.2340
		9/1	0.1528
		10	0.2340
		11	0.1200
		12	0.3500
		13	0.0650
		2/2	0.0200
11	GANESH PURA	122	0.0200
		121	0.1235
		120	0.1430
		118/1	0.4745
		118/2	0.0300
		117/3	0.1528
		117/2	0.2925
		117/1	0.0650
		119	0.0260
		4/2	0.1105
	MAHARAJ PURA	44	0.4420
		43/1	0.0650
13	PURAPOSAR	521	0.0100
		520	0.3770
		526/2	0.0150
		526/1	0.2350
		527/1	0.0150
		518	0.1040
		517	0.0020

S.No.	NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
1	2	3	4
	PURAPOSAR Contd....	532	0.0020
		535	0.0100
		533	0.3100
		536	0.0100
		539/2	0.1100
		537	0.0520
		502	0.0455
		506	0.1580
		499	0.0455
		500/1/1	0.3100
		500/2	0.1105
		500/5	0.2405
		500/6	0.0813
		500/8	0.2700
		87	0.0390
		498	0.1560
		465	0.0390
		178/1	0.2665
		230	0.0910
		231	0.1105
		227	0.0780
		226	0.0520
		212	0.0130
		235	0.0845
		236	0.0200
		114/1	0.0325
		130	0.0130
		129	0.0800

	SURVEY NO.	AREA IN HECTARE
	3	4
	115/2	0.0260
	128	0.0040
	116	0.1300
	119	0.0020
	113	0.0130
	111	0.9800
	111/1520	0.0080
	111/159	0.2900
	111/2	0.2665
	111/1516	0.1365
	121/2	0.4100
	121/13	0.0650
	122	0.0200
	115/3	0.5600
	110	0.0700
	111	0.0520
	114	0.0200
	112	0.0910
	113	0.0500
	100	0.0585
	99	0.0350
	95	0.0500
	92	0.1105
	83/1	0.0600
	83/3	0.0900
	80	0.0850
	79/301	0.0100
	79	0.0500

S.No.	NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
1	2	3	4
	VINKHYAI Contd....	73	0.1650
		72	0.0100
		74	0.0520
		70	0.1300
		69	0.1100
		68	0.0325
		67	0.0130
		66	0.0130
		65	0.0390
		64	0.0585
		62	0.1560
		63	0.3510
		13/26	0.3100
15	VISHONIA	17/1/10/2	0.2015
		17/1	0.0325
		17/1/15	0.1885
		19/229/3	0.1040
		19	0.2300
		20	0.2730
		21/2	0.4700
		21/3/1	0.0650
		21/3/2	0.0300
		21/3/3	0.0040
		33/1	0.1105
		33/2	0.0455
		36/1	0.1000
		38/1	0.2600
		39/4	0.0020
		39/3	0.0040
		39/2	0.0065

0325

0310

0300

0231

0222

0213

0203

0154

0145

0136

0127

0118

0109

0099

0090

0081

0072

0063

0054

0045

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0027

0018

0009

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S.No.	NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
1	2	3	4
	KISHANGARH Contd.....	7	0.0845
		6	0.1500
		3/13/4	0.1300
		1	2.0736
17	RIHANA	90/1/1	1.6500
		18	0.0400
		90/1/2	0.3800
		91/2/4	0.1500
		91/2/3	0.1900
		19/4	0.0845
		91/2/2	0.0200
		64	0.3705
		63/2/1	0.3510
		63/1	0.2300
		20	0.0200
		25	0.2145
		27	0.1700
		24/1/2	0.1000
		24/1/3	0.0910
		11/1/2	0.2145
		10/1	0.1105
		10/2	0.1600
		9	0.0080
		5	0.0040
		6	0.2210
		7	0.0020
		13	0.0650
		2	0.2860
		1	0.2340

NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
2	3	4
प्रायः	53	0.0650
	50	0.0650
	49	1.0075
	24	0.1885
	25	0.4615
	21	0.0020
	20	0.0260
	19	0.1690
प्रायः	17	0.2275
	39	0.0280
	41	0.0100
	37/2/1	0.0350
	38	0.1400
	45/1	0.0520
	45/2	0.0455
	47/5	0.1700
	46	0.3000
	47/4	0.1820
	47/3	0.0300
	47/2	0.3800
	47/6	0.0050
	47/1/ख	0.0050
	33	0.0130
	34/2	0.2200
	25/32/1	0.0800
	25	0.2210
	28	1.4300

S.No.	NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
1	2	3	4
	DHANORIYA Contd....	28/8	0.1300
		28/10	0.1300
		27/1	0.3200
		3	0.0845
		4	0.0520
		12/1	0.1040
		6	0.2470
		5	0.0020
		8/2	0.0715
20	SAWRAMODI	141 } 298 }	0.1430
		144	0.5400
		148	0.0100
		147/18	0.5100
		147/15	0.0040
		147/5	0.0650
		147/16	0.2600
		132	0.0400
		146	0.5000
		126/1ख	0.1430
		129	0.3300
		128	0.6110
21	PORUKHEDI	66मि.	0.5500
		70	0.0260
		69	0.0900
		141/26	0.2145
		141/1	0.2600
		141/36	0.1500
		141/35	0.1170
		74	0.0390
		75	0.0845
		141/12	0.0080

S.No.	NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
1	2	3	4
	PORUKHEDI Contd....	76	0.2275
		140	0.0260
		132/5/5	0.2650
		132/5/2	0.1690
		130/5/3	0.1950
		130/5/1	0.1560
		132/2ख	0.0845
		132/2क	0.3000
		132/1ख	0.1625
		132/1क	0.1690
		131/1क	0.2405
		131/2	0.1040
		131/6/2	0.0325
		131/9	0.3310
22	SUHAYA	15	0.0260
		16	0.4500
		16/393	0.0130
		307/1/7	0.0845
		307/1/6	0.0650
		297	0.1900
		298/1	0.0065
		296	0.3000
		295	0.1040
		294/1	0.0975
		294/2	0.0845
		291	0.0576
		292	0.1365
		44	0.0200
		274	0.2210

S.No.	NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
1	2	3	4
	SUHAYA	Contd.....	
		273	0.2405
		272	0.0065
		270	0.0455
		271	0.0600
		269/1/5	0.2000
		269मि.	0.0130
		268	0.1300
		267	0.1430
		266	0.0520
		265	0.0130
		390	0.0520
		264	0.0325
		262	0.2080
		263	0.1560
		258	0.7800
		258/9/2	0.2800
23	BRIJABAMORI	15/3	0.0390
		1	0.0845
24	PATHARIYA	70	0.0130
		51	0.1430
		69/2	0.1040
		69/1	0.0715
		68	0.2700
		43	0.0260
		52	0.1820
		67	0.0780
		65/1	0.1280
		65/2	0.0040
		64	0.0800
		141	0.2100
		138	0.0040

S.No.	NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
1	2	3	4
	PATHARIYA Contd....	140	0.0450
		156	0.4100
		157	0.0050
		95	0.0450
25	BHOORAKHEDI	183	0.1885
		182/2/3	0.1235
		70	0.0130
		182/2/4	0.1040
		72/1	0.0030
		182/2/3	0.0845
		72/2	0.0030
		182	0.1560
		95	0.0650
		92	0.0650
		97/2	0.0390
		97/1	0.2145
		108/2	0.3835
		111	0.0325
		104	0.1700
		114	0.2535
		120/1/3	0.1040
		121	0.1235
		122	0.1000
		120/1/1	0.0100
		118	0.0200
26	CHURELA	81	0.0110
		80/1	0.1200
		78	0.3200
		95/4	0.0550
		106	0.0325

S.No.	NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
1	2	3	4
	CHURELA	Contd...	
		103	0.0325
		96	0.0200
		99	0.0920
		117	0.0200
		118/2	0.0600
		118/1	0.0150
		116	0.1300
		120	0.0195
		124	0.2500
		122/2	0.0325
		123/1	0.0585
		134	0.1170
		135	0.0130
		136	0.1625
		23	0.1560
		22	0.2405
		21/2	0.0715
27	SEMRAKHEDA	62/3ख	0.1700
		62/1	0.2200
		62/3क	0.0100
		60/5	0.0020
		60/3	0.1300
		61	0.1300
		73	0.3900
		77/1	0.0390
		76/1	0.1300
		76/2	0.1300
		75	0.2000
		80	0.1755
		74	0.0260

S.No.	NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
1	2	3	4
28	RAMNAGAR	123/2	0.0845
		123/1	0.0650
		124/2	0.0650
		124/1	0.0780
		125/1	0.0325
		129	0.0130
		127/1	0.1430
		128	0.0910
		131	0.0030
		132	0.2080
		133	0.2275
		135/1	0.0650
		120/1	0.0845
		101	0.0050
		102	0.0520
		103/8	0.3500
		103/1ग	0.1200
		103/1क	0.0200
		99	0.0163
		44/1	0.2145
		79/2	0.1100
		79/4ख	0.0165
		79/4क	0.0520
		79	0.9425
		79/1ग	0.1040
		77/2क	0.0650
		84/2	0.1100
		84/1	0.2100
		85	0.0715
		79/14	0.0825

S.No.	NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
	2	3	4
	RAMNAGAR Contd.....	83	0.0130
		86	0.0845
		88	0.0715
		82/1	0.0050
		89	0.0195
29	TAKODIYA	43/2	0.2800
		43/3	0.0780
		47	0.2800
		46	0.0130
		45/1	0.0910
		70	0.0130
		69/1	0.3400
		69/2	0.3800
30	KISHANPURA	185	0.1885
		174	0.0200
		177	0.0200
		172	0.1800
		176	0.0845
		180	0.0520
		175/2	0.5330
31	BHUMRAKHEDI	76/1	0.0325
		76/2	0.0150
		77	0.0845
		75	0.1690
32	CHAKPARSIKHEDA	51	0.1430
		52	0.0100
		49	0.4600
		50	0.0200
		35	0.5200
		39	0.4100

S.No.	NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
1	2	3	4
	CHAKPARSIKHEDA Contd....	38	0.1900
		37	0.0350
		28	0.2500
		27	0.3700
		29	0.0050
		26	0.0130
		19	0.0845
		20	0.4745
		14/3/3	0.0325
		14/3/1	0.1950
		14/2क	0.1755
		14/2ख	0.1440
		21	0.0250
		22	0.0040
		1	0.0800
33	AJRODA	176	0.3445
		179/201	0.2470
		180	0.1300
		181	0.1755
		191	0.0390
		182/1/2	0.1300
		182/2/2	0.1800
		182/2/3	0.1820
		182/2/4	0.1105
		183/1	0.2275
		183/2/2	0.1950
		148	0.0650
		184	0.0040
		187	0.0020
		185	0.3738
		186	0.2925

S.No.	NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
1	2	3	4
1	BANIYANI	186	0.0910
		187	0.2600
		188	0.1658
		190	0.0390
		178	0.1820
		179	0.0650
		182	0.0100
		180	0.1400
		175	0.4200
		173	0.0293
		170	0.1105
		171	0.2080
		161	0.0400
		172	0.0020
		130	0.1000
		128	0.1170
		131	0.0300
		129	0.1430
		132	0.0163
		90	0.1300
		54	0.5915
		53	0.0195
		43	0.5200
		41	0.3400
		36	0.0450
		38	0.0250
		37	0.0325

No.	NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
1	2	3	4
	BANIYANI	Contd...	
		13	0.0910
		12	0.1700
		10	0.1950
		8	0.1950
		5	0.3000
		4	0.1900
		3	0.0520
		2.	0.0195
		1	0.0130
35	PAKHAR	56	0.4000
		59/1	0.1680
		57	0.0130
		58/2	0.1900
		58/1	0.6240
		60/2	0.0500
		55	0.0130
		54	0.0130
		53	0.0130
		34	0.2800
		33	0.4355
		27/4	0.4225
		31	0.0943
		32	0.0195
		27/7	0.3000
		27/8	0.1625
36	AANAPURA	33	0.0325
		34/2	0.1500
		39	0.1175
		38	0.0360

S.No.	NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
1	2	3	4
	AANAPURA Contd....	34/2/1	0.1755
		35/2/4	0.1625
		35/2/5	0.4160
		35/2/3	0.1625
		35/1/3	0.1755
		36	0.0195
37	VINDARADA	19/2	0.0020
		18/4	0.1300
		17	0.1625
		16	0.2925
		18/1	0.3775
		13	0.3250
		12	0.0325
		11/1	0.0275
		11/2	0.0050
38	SEMRA	70	0.1820
		71/2	0.2600
		71/1	0.0020
	PATHI	22	0.2275
		20	0.1105
		19	0.0130
		18	0.3445
		23/3	0.0050
		16/2	0.3600
		24	0.0400
		15	0.0195
		13	0.2535
		12	0.2275
		9	0.2275
		7	0.5395
		35	0.2925
		36	0.2990
40	HAMIRPUR	10	0.4270
		11/2	0.0390

S. No.	NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
	2	3	4
		12	0.0200
		13	0.0920
		23	0.1300
		15	0.2200
		16	0.2800
		22	0.5000
		26	0.0325
		20	0.0010
		30	0.0520
		28	0.0100
		21	0.2470
		64	0.3445
		65	1.2700
		66	0.8125
		83	0.0325
		130	1.1400
		92	0.0300
		93	0.2900
		91	0.2275
		90	0.2925
		97	0.0200
		89	0.5850
		99	0.0020
		84	0.0050
		85	0.1350
		88	0.0600
		87	0.0900
		86	0.5200

श्रम एवं रोजगार मंत्रालय

नई दिल्ली, 19 सितम्बर, 2008

का.आ. 2900.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मै केरल इंडस्ट्रियल पोलिमेर्स लिमिटेड, के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, इर्नाकुलम के पंचाट (संदर्भ सं. आई. डी. 146/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-9-2008 को प्राप्त हुआ था।

[सं. एल-29011/21/2003-आई. आर.(एम.)]

कमल बाखरु, डेस्क अधिकारी

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 19th September, 2008

S.O. 2900.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. I.D. 146/2006) of the Central Government Industrial Tribunal/Labour Court, Ernakulam now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. Kerala Industrial Polymers Ltd. and their workman, which was received by the Central Government on 19-9-2008.

[No. L-29011/21/2003-IR(M)]

KAMAL BAKHRU, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ERNAKULAM PRESENT

Shri P. L. Norbert, B. A., LL. B., Presiding Officer

Industrial Dispute No. 146 of 2006

(I.D. 59/2003 of Industrial Tribunal, Kollam)

Union : The General Secretary,
Trivandrum District Clay Workers Union
"Gayathri", Ambalamukku,
Trivandrum-695 005.

By Adv. Sri Murukkumpuzha R. Vijayakumaran Nair.

Management : Sri Manoj S. Nair, Managing Director,
M/s. Kerala Industrial Polymers Ltd.,
A-441, Vijayoda, Sankar Road,
Sasthamangalam
Thiruvananthapuram-695 010.
By Adv. Sri. Anil Narayanan.

This case coming up for hearing on 26-5-2008, this Tribunal-cum-Labour Court on 29-05-2008 passed the following:

AWARD

This is a reference made under Section 10 (1)(d) of Industrial Disputes Act. The reference is:

"Whether the action of the management of M/s. Kerala Industrial Polymers Ltd., Trivandrum in denying employment to Shri M. Anandan, Mining worker employed in their Clay Mines of Sasthavattom, Thiruvananthapuram Dist. w.e.f. 27-8-2000 onward is justified? If not, to what relief the workman concerned is entitled?"

2. Facts of the case in brief are as follows:—

Shri Anandan was a Mining worker in M/s. Kerala Industrial Polymers Limited, Thiruvananthapuram since 18-2-1986. He was terminated from service w.e.f. 27-11-2000. The management at the time of termination of the service offered compensation to retrenched workmen which was received by 32 employees. But the workman in this case and another person did not accept it. They raised dispute. The case of the workman Sri Anandan is espoused by the union.

3. According to the union there is no closure of the factory as alleged by the management. The denial of employment on the guise of closure of the factory is incorrect. The factory continues to operate in a clandestine manner. The contention of the management that all employees were dismissed from service due to closure of the factory is with a motive to deny employment to workers. The management has not offered proper retrenchment compensation. The workman is entitled to be reinstated with back wages from the date of dismissal.

4. According to the management the workers started creating indiscipline, obstructive tactics, strike, threatening the officers of the company etc. which brought down the production and consequently the company suffered loss year after year. In the year 1997 December the company was closed down. Thereafter in pursuance to conciliation and assurance of union leaders the company was re-opened and operation restarted in 1998. But after sometime the workers went back in their assurance and resorted to the same old method of indiscipline, strike, dis-obedience, gheraos etc. The situation of the company went from bad to worse and came to a complete stand still. Hence the company had to resort to closure of mining operations from 26-8-2000 onwards. Before that, service of workmen were terminated offering them compensation and notice pay. All except 2 workers accepted the compensation and left the service. Two workers raised the dispute and they were referred by the Government for adjudication. But pending the dispute the other workman (Sri Biju) accepted compensation and the reference was settled. The closure of the company was inevitable due to non co-operation of workers and consequent reduction in production and financial loss. But workman was once dismissed from service for serious misconduct. But on the assurance of good conduct in future he was reinstated. The management has not denied employment deliberately. Following closure of the factory and dis-continuance of mining operations the mining lease of the management company was transferred to another person. The management factory is not continuing its operation of mining. The workman is gainfully employed and he is not entitled for any relief.

5. In the light of the above contentions the only point that arises for consideration is :—

Is the termination legal?

The evidence consists of the documentary evidence of Exts. W 1 to W 5 on the side of the union and Ext. M 1 to Ext. M 6 on the side of the management.

6. The Point : The termination of service of the workman Sri M. Anandan w.e.f. 27-8-2000 is challenged by the union on two counts. According to the union the management factory was never closed down and hence termination was unwarranted. Assuming that termination was inevitable then they should have complied with S. 25-FFA and 25-FFF of Industrial Disputes Act.

7. It is the case of the management that due to continuous non co-operation of workers the factory was running at a loss since a long time. Ultimately when it became impossible to operate the factory any more, the workmen had to be retrenched and the establishment had to be closed down. Exts. M 3 and M 4 are closure notices of factory and mines. The closure notices are dated 26-8-2000 and the closure was effected on the same day. The workman in question like other workers were offered compensation. However he did not accept it. Hence Ext. W 1 notice dated 16-3-2002 was issued to him offering compensation and forwarding, along with the notice, a cheque for Rs. 12642/. Though the union has a contention that the factory is not closed down but run under a different name there is no evidence to support the contention. Ext. M 5 is a copy of the sale deed transferring the lease hold right of mining by the management to one, Ahmed Tharish on 3-4-2001. Sanction to transfer the mining right was accorded by State government by Ext. M 6 order dated 21-4-2003. In the light of Ext. M 5 and M 6 the case of the union that the factory continues to run, cannot stand. Hence the case of the management that the factory was closed down on 26-8-2000 has to be accepted. The reason for closing down the factory is said to be financial loss due to the non co-operation of mining workers. The factory had more than 50 workers as can be seen from Ext. M 1 closure notice sent to Government and Labour Commissioner in 1997. Ext. M 1 reveals that 62 workers were dismissed in 1997 after enquiry on the charge of, misconduct of illegal strike and gheraoing of the officers of the company. The reason stated are that the workers were not co-operating and production had come down and the company had sustained heavy loss. Thereafter at the intervention of Labour Commissioner and in pursuance to conciliation with the union and management and on the assurance of the union the company restarted its function on 19-1-1998. But before long again the management had to face the same difficulty of non co-operation of workers and consequent financial loss. Hence Ext. M 2 letter was sent to Assistant District Industries Officer, Thiruvananthapuram on 27-2-1998 stating that state of affairs of the company was pathetic and seeking Government assistance for revival of the unit. But things did not improve and hence Exts. M 3 and M 4 closure notices dated 26-8-2000 were put up on the

notice board of the factory as well as Mines. The reasons stated in Exts M 3 and M 4 are the same as herein before mentioned.

8. S 25-FFA says that when an employer intends to close down an undertaking 60 days notice has to be given to the appropriate Government stating the reasons for the intended closure of the undertaking. The proviso to the Section says that the provision does not apply to an undertaking in which less than 50 workmen are employed. So far as the factory in question is concerned, there were more than 50 workers (Ext. M 1). Therefore 60 days' notice was necessary before closing down the factory. No such notice is seen issued to the Government by the management. The closure notices Exts. M 3 and M 4 are dated 26-08-2000 and the closure became effective on the same day. Then the question is whether a breach of the provision of 25FFA will make the closure illegal. Want of notice to Government will only attract penalty as provided in Section 30-A of I. D. Act. It is held by the Hon'ble Supreme Court in Bombay union of Journalists V. State of Bombay 1964-1LLJ 351 at 356 that a notice under Section 25F @ is not a condition precedent to valid retrenchment. On a parity of reasoning, the breach of the provision of Section 25-FFA (1) would not make the closure illegal but only entail the penalty contemplated under Section 30-A of the Act. Hence the contention of the union, that for non compliance with Section 25-FFA the closure becomes illegal, cannot stand.

9. Section 25-FFF requires that the employer shall give notice and compensation to the workman retrenched who has been in continuous service for not less than one year in the undertaking. Proviso to the Section says that when the undertaking is closed down on account of unavoidable circumstances beyond the control of the employer, compensation to be paid can be limited to average pay for three months. The explanation to proviso makes it clear that financial loss is not an unavoidable circumstance beyond the control of the employer to limit the payment of compensation contemplated under Section 25-F of the Act to average pay for three months. Relevant portion reads as follows :—

"25-FFF. Compensation to workmen in case of closing down of undertakings.—(1) Where an undertaking is closed down for any reason whatsoever, every workman who has been in continuous service for not less than one year in that undertaking immediately before such closure shall, subject to the provisions of sub-section (2), be entitled to notice and compensation in accordance with the provisions of Section 25-F, as if the workman had been retrenched :

Provided that where the undertaking is closed down on account of unavoidable circumstances beyond the control of the employer, the compensation to be paid to the workman under clause (b) of Section 25-F, shall not exceed his average pay for three months.

(Explanation.—An undertaking which is closed down by reason merely of—

- (i) financial difficulties (including financial losses); or
- (ii) accumulation of undisposed of stocks; or
- (iii) the expiry of the period of the lease or licence granted to it; or
- (iv) In case where the undertaking is engaged in mining operations, exhaustion of the minerals in the area in which operations are carried on, shall not be deemed to be closed down on account of unavoidable circumstances beyond the control of the employer within the meaning of the proviso to this sub-section.)"

10. As per S-25-F the retrenched workman is entitled to one month's notice or pay in lieu of notice and compensation equivalent to 15 days average pay for every completed year of continuous service. No notice as per Section 25-F is seen given to the workman. By Ext. W 1 Rs. 12,642 was offered as compensation for retrenchment. Ext. W5 is wage slip of the workman dated 07-02-2000. The gross wage per month was Rs. 3,040 ps. 65. The workman was in service as regular Mining worker since 1988. Ext. W3 is the statement of break in service issued by the management to the worker. It shows that he was in service since 1988 till he was terminated from service in 2000. He is entitled to get compensation of 15 days' average pay for every completed year of service. That is not seen properly calculated and included in the amount of compensation offered to him as per Ext. W1 letter. Though the compensation amount offered is not adequate it does not mean that the employer did not give compensation as per Section 25-F. What is to be done by the employer is to calculate compensation in accordance with Section 25-F (a) and (b) together with whatever other amounts due to him. But for want of proper calculation and payment it cannot be said that the retrenchment is illegal. It is for the management to recalculate the compensation amount and pay the worker the difference failing which, it is for the worker to claim the amount under the provisions of I.D. Act. But for that reason the termination of the service cannot be said to be illegal.

In the result, an award is passed finding that the action of the management in denying employment to workman Sri Anandan is legal and justified. However he is entitled to claim difference in compensation through appropriate action under the provisions of the I.D. Act.

The award will come into force one month after its publication in the Official Gazette.

Dictated to the Personal Assistant, transcribed and typed by her, corrected and passed by me on this the 29th day of May, 2008.

P. L. NORBERT, Presiding Officer

APPENDIX

Exhibits for the Union

- W 1 - 16-03-2002 Photostate copy of letter issued by Kerala Industrial Polymers to Sri M. Anandan.
- W 2 - 12-02-2001 Photostate copy of letter issued by Kerala Industrial Polymers Ltd., to Sri M. Anandan.
- W 3 - Photostate copy of statement regarding period of break in service in respect of Sri. M. Anandan issued by management.
- W 4 - 29-03-2001 Photostate copy of letter issued by Sri R. S. Nair to Sri M. Anandan.
- W 5 - 07-02-2000 Photostate copy of wage slip of Sri M. Anandan.

Exhibits for the Management

- M 1 - 17-12-1997 Copy of closure notice issued w/s. 25-FFA of I.D. Act.
- M 2 - 27-02-1998 Copy of letter issued by the Management to the Assistant District Industries Officer, Chirayinkeezhu.
- M 3 - 26-08-2000 Photostate copy of closure notice of factory.
- M 4 - 26-08-2000 Photostate copy of closure notice of Mines.
- M 5 - 03-04-2001 Photostate copy of Sale Deed No. 727/01 of Sub Registrar Office, Murukkumpuzha.
- W 6 - 21-04-2003 Copy of Government Order No. GO (MS)/No. 45/2003/ID transferring mining lease.

नई दिल्ली, 19 सितम्बर, 2008

का.आ. 2901.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूचना में केन्द्रीय सरब (1) नरायणी कैरिज एवं कन्स्ट्रक्चर प्रा.लि. (2) राऊरकेला स्टील प्लांट, सेल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/ग्राम न्यायालय, भुवनेश्वर के पंचाट (संदर्भ संख्या 73/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-9-2008 को प्राप्त हुआ था।

[सं. एल-2901/63/1999-आई आर(एम)]

कमल बाखरू, डेस्क अधिकारी

New Delhi, the 19th September, 2008

S.O. 2901.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 73/2001) of the Central Government Industrial Tribunal/Labour Court, Bhubaneswar now as shown in the Annexure, in the

Industrial Dispute between the employers in relation to the management of (1) Narayani Carriers & Contractors Pvt. Ltd. (2) Rourkela Steel Plant, SAIL, and their workmen, which was received by the Central Government on 19-9-2008.

[No. L-29011-63/1999 TR (M)]
KAMAL BAKHRI, Desk Officer
ANNEXURE

**CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL CUM-LABOUR COURT
BHUBANESWAR**

Present: Shri N.K.R. Mohapatra,
Presiding Officer, C.G.I.T.-cum-Labour Court,
Bhubaneswar.

Tr. Industrial Dispute Case No. 73/2007

Date of Passing Award: 24th July, 2008

Between: The Management of (1) Narayani Carriers &
Contractor Pvt. Ltd., Shakti Nagar, Rourkela.

The Management of (2) Rourkela Steel Plant,
SAIL, Rourkela.

... 1st Party-Managements

AND

Their Workmen Shri N. G. Behera & Others, 6,
Tapaswani Market, Extension Block, Udaan,
Rourkela, Distt. Sundargarh.

2nd Party-Workmen

APPEARANCES

None --- For the 1st Party -
Management No. 1

Shri A. Bhuyan, --- For the 1st Party -
Sr. Manager (Law) Management No. 2

Shri Sarbeswar Sahoo --- For the 2nd Party -
Workmen

AWARD

The Government of India in the Ministry of Labour, in exercise of Powers conferred by Clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) have referred the following dispute for adjudication vide their Order No. L-29011-63 TR (M), dated 16-03-2000.

"Whether the action of the Management of M/s. Narayani Carriers and Contractors (P) Ltd. in terminating the services of S/Shri N.G. Behera, Madhu Patnaik, Sarveswar Sahu, D.K. Balwerna, S.S. Biswal and Babaji Swain from 1-1-1999 on the ground of their involvement in trade Union activities is justified? If not, to what relief the workmen are entitled?"

2. The disputants named in the reference were engaged by Management No.1, a sub-contractor of

M/s. H.S.C.L., for Rebuilding and Capital Repairs (Hot and cold) of coke oven batteries of the Rourkela Steel Plant (Management No. 2) who has been added subsequently as a party on the prayer of the disputants. It is stated that, to avoid exploitation of contract workers and to give them minimum protection several settlements were made on behalf of such contract labourers and the principal employer (Management No. 2) and according to one of its conditions the said Management No. 2 was required to impress upon the incoming contractors to employ the retrenched workers of the outgoing contractor. Accordingly the disputants in question were employed by Management No. 1 from 6th July, 1998 for the work stated earlier. It is alleged that after the reorganization of Rourkela Shramika Sangha these disputants who were then belonging to Rourkela Mazdoor Sabha were forced by the Contractor-Management No. 1 and Principal Employer (Management No. 2) to join the newly recognized Union and on their refusal the Management No. 1 by engaging fresh workers stopped issuing gate passes to them resulting their termination with effect from 1-1-1999. Finding no other alternative they made several representations through their Union to different authorities and ultimately raised an Industrial Dispute in their personal capacity before the Asstt. Labour Commissioner (Central), when the Dy. Labour Commissioner being influenced by the newly recognized Union did not like to entertain the complaint. During conciliation proceeding before the Asstt. Labour Commissioner (Central) both the Managements appeared but denied to take back the disputants resulting in a failure report. Thus the reference.

3. It is admitted by all parties that the work against which the disputants and others were engaged was awarded to H.S.C.L. by the Rourkela Steel Plant (Management No. 2) and as a Sub-Contractor, Management No. 1 had undertaken the said work. According to the Management No. 1, as per the letter of intent dated 1-6-1998 of the Principal Contractor (H.S.C.L.) these disputants along with others were engaged for a specific period of 6 to 7 months excluding one month for maintenance and therefore on the completion of the work on 1-6-1998 they were terminated after payment of their statutory dues as certified by the H.S.C.L., MECON and the Central Labour Cell of Rourkela Steel Plant (Management No. 2) as there was no other work available with it or with the Principal Contractor (H.S.C.L.). The disputants were also issued with Service Certificates at the time of termination for benefit of securing employment else-where and therefore their termination was legal and justified. As regards the other allegations that these disputants were terminated on their refused to leave Rourkela Mazdoor Sabha and join Rourkela Shramika Sangha, it is contended by the Management No. 1 that during conciliation proceeding Rourkela Mazdoor Sabha (Union) had never participated nor catered the grievances

of the disputants and therefore the termination of the disputants cannot be said to be the outcome of their trade Union activities.

4. Management No. 2 has alleged that the Rourkela Steel Plant being the principal employer it had limited role to play in regard to engagement and retrenchment of workers engaged by the Principal Contractor H.S.C.L. or its sub-contractor-Management No. 1. It is contended that the work of rebuilding and capital repair of coke oven was entrusted to H.S.C.L. for a limited period of six months and after completion of the said work on 6.1.1999 all the dues payable to the said contractor was released and that the reference not being in regard to non-payment of wages to the workers, it is in no way answerable to the cause of their termination.

5. On the basis of the above pleadings of the parties the following issues were framed.

ISSUES

1. Whether the reference is maintainable ?
2. Whether the disputant comes under the definition of Industrial Disputes Act?
3. Whether the action of the Management of M/s. Narayani Carriers and Contractors (P) Ltd., in terminating the services of S/Shri N.G. Behera, Madhu Patnaik, Sarveswar Sahu, D.K. Balverma, S.S. Biswal and Babaji Swain from 1-1-1999 on the ground of their involvement in trade union activities is justified ?
4. If not, to what relief the workmen are entitled?

6. During trial three of the disputants adduced their evidence while Management No. 2 examined one of its officers as M.W.-1, besides producing four documents marked Ext.-A to D. As Management No. 1 did not participate in the hearing after filing its counter, it has been set *ex parte*.

FINDINGS

ISSUE Nos. 1 & 2

7. These issues are taken up together jointly for easy disposal.

It is admitted by all parties that the work in question was awarded to H. S. C. L. by Management No. 2 and in turn Management No.1 was engaged as sub-contractor by said H. S. C. L. to undertake the said work.

ISSUE Nos. 2 & 3

8. These issues being inter-dependant are taken up jointly.

It is pleaded in the claim statement that in order to provide employment to the retrenched workers of a outgoing contractor, several settlements had been reached on behalf of such contract-workers and the Management asking the later to impress upon the subsequent contractor to engage the retrenched workers of the previous contractor as per their need. It is also pleaded in the claim statement by the disputants that the jobs of re-building and capital repair of coke oven batteries against which they were engaged are not of permanent nature and therefore these

jobs are only available for 8 to 9 months in a year and that, in view of above nature of jobs, the workers engaged by a contractor are terminated on completion of such job. These averments of the disputants clearly show that they were aware of the fact that their services were terminable with the completion of the jobs against which they were engaged. In their evidence three of the disputants (W.W.-1, 2 and 3) have deposed that they were engaged by the Management No. 1 on the above work sometimes in July 1998. The evidence of M.W.-1 examined by the Principal Employer (Management No. 2) shows that the contract for the above jobs was given as per Ext.-A to H.S.C.L. and as per Ext.-C, the letter of intent of H. S. C.L., the said work was undertaken by the Management No.1 as a sub-contractor of H.S.C.L., Ext.-D shows that on completion of the work, the H.S.C.L. was issued with a job completion certificate by Management No.2 indicating that the work was completed in all respect on 10-2-1999 (including one month maintenance period). The evidence of the Management Witness No.1 further indicates that after completion of the above work the H.S.C.L., the Principal Contractor has already been paid his dues.

9. Thus the above evidence of both disputants and Management No. 2 shows that the disputants were engaged for six months from July 1998 on a job which was to be completed by 10-1-1999 (excluding maintenance period of one month from 10-1-1999). Therefore, when the disputants claim that they were refused employment from 1-1-1999 it shows that their above termination was the resultant outcome of completion of the assigned job and therefore under Section 2(cc)(bb) it can not be termed as a case of retrenchment so as to attract the provisions of Section 25-F of the Industrial Disputes Act. It is stated by the disputants in their evidence that they were terminated from 31-12-1998 as they refused to change their Union, but such a stand does not inspire any confidence as the disputants could not have continued beyond December 1998 when the work against which they were engaged was seemingly not available after December 1998.

10. It is further claimed by the disputants that they were refused employment without any notice or compensation with effect from 1-1-1999. In this regard it would be suffice to repeat here that the engagement of a worker against a fixed tenure job is liable to come to a close on completion of such work and for this no advance notice is required to be given before termination. However the evidence of W.W.-1 shows that in fact the Management No.1 had displayed a termination notice in the Time Office with a request to the disputants to collect their dues. But the disputants had refused to collect the same on protest. While advancing an explanation for not accepting their dues the witness says that they had refused to receive as because they were not communicated individually the manner of calculation and on which count their dues were calculated. But such of the explanation can not be accepted, like their other plea that they have been terminated for their

Union activities, as because their main intention behind raising the dispute, as gathered from their claim statement, being just to prevent workers of another Unions being engaged by Management No. 1.

11. Thus in view of the above discussion I find that the termination of the workmen is not on account of their Union activities but it was the resultant outcome of the action of the work against which they were engaged.

12. The reference is answered accordingly exparte against Management No.1 and on contest against Management No. 2 with no relief to the disputants.

sd/-

N.K.R. MOHAPATRA, Presiding Officer

List of Witnesses Examined on Behalf of the 2nd Party-Workmen.

W. W.-1 - Shri Sarbeswar Sahoo
W. W.-2 - Debendra Kumar Balverma
W. W.-3 - Babaji Swain

List of Documents Exhibited on Behalf of the 2nd Party-Workmen.

The 2nd Party-Workmen have not exhibited a single document.

List of Witnesses on Behalf of the 1st Party-Management No. 2

M. W.-1-Shri Binod Bihari Nayak

List of Documents Exhibited on Behalf of the 1st Party-Management No.-2

Ext.-A-Agreement
Ext.-B-Letter dated 1-8-1998
Ext.-C-Letter dated 2-2-1999
Ext.-D-Certificate, dated 8-12-2001

नई दिल्ली, 19 सितम्बर, 2008

का.आ. 2902.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मुम्बई पोर्ट ट्रस्ट के प्रबंधकों के संबंध में निम्नलिखित और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय सं.-2, मुम्बई के पंचाट (संदर्भ सं. सीजीआईटी-2/27/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-9-2008 को प्राप्त हुआ था।

[सं. एल-31011/27/2000-आई आर (एम)]

कमल बाखरू, डेस्क अधिकारी

New Delhi, the 19th September, 2008

S.O. 2902.—In pursuance of Section 17 of the Industrial Disputes Act, 1947(14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT-2/27/2001) of the Central Government Industrial Tribunal/Labour Court, No. 2, Mumbai now as shown in the

Annexure, in the Industrial Dispute between the employers in relation to the management of Mumbai Port Trust and their workman, which was received by the Central Government on 19-9-2008.

[No. L-31011/27/2000-IR (M)]

KAMAL BAKHRU, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL No. 2, MUMBAI

Present: A. A. LAD, Presiding Officer

Reference No. CGIT-2/27 of 2001

Employers in Relation to the Management of Mumbai Port Trust

The Chairman
Mumbai Port Trust
Port Bhawan
Shoorji Villabhdas Marg,
Mumbai-400 038

And

Their Workmen

The Secretary
Mumbai Port Trust Dock & General
Employees Union
Kamgar Sadan
Mazagaon,
Mumbai-400 010

APPEARANCES:

For the Employer : Mr. M.B. Anchan
Advocate.

For the Workmen : Mr. J.H. Sawant
Advocate.

Mumbai, dated 4th July, 2008

AWARD PART-I

The Government of India, Ministry of Labour by its Order No. L-31011/27/2000/IR (M) dated 02-02-2001 in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following dispute to this Tribunal for adjudication:

"Whether the action of the management of Mumbai Port Trust, Mumbai in terminating the service of Promod Gangaram Khot, Tally Clerk by way of removal from service w.e.f. 8-3-99 is legal and justified? If not, what relief the workman is entitled to?"

2. Claim statement is filed at Ex-7 by the concerned workman stating that, he joined first party as a Tally Clerk in the Docks Department. He remained absent for 271 days from 26-10-1996 to 3-5-1998 on account of genuine disabilities which he faced during that period. He submitted leave application time and again for the said absence and

on many occasions produced medical certificate in support of leave. However he was chargesheeted by charge sheet dated 08-07-1998 for remaining absent between 26-10-1996 till 3-5-1998 of 271 days on 28 occasions. He replied said chargesheet and explained his conduct and justified his absenteeism. However said was ignored. Then enquiry was initiated against him. Enquiry commenced on 16-10-1998. During the enquiry, he was assured that no severe punishment will be imposed on him if he accepted the charges of absenteeism. Relying on the said assurance, he permitted first party to complete the formalities of enquiry. Proceedings were not explained to second party workman. Even he was not permitted to take help of co-worker to assist him in the enquiry. So he pray that, the order of removal passed on the basis on this enquiry cannot be treated as just and proper. Decision taken of removal from the employment by order dated 08-03-1999 is not maintainable. So he prayed that, so called enquiry conducted be declared void and findings perverse. He also pray to direct first party to reinstate him with full backwages and consequential benefits.

3. This is disputed by the first party by filing reply Ex-8 making out case that, concerned workman was having habit to remain absent. He remained absent frequently unauthorised on number of occasions. He remained absent unauthorisedly for 271 days between 26-10-1996 to 03-05-1998 which is not meager one. He was appointed as 'Tally Clerk'. He was doing important work. His absence affected on work of first party. Charge sheet was served. Enquiry was conducted. Full opportunity was given. The reason given by second party of absenteeism about his own sickness then on the grounds of sickness of wife and then on the ground of mother is not supported by any evidence. It is denied that, assurance was given by Inquiry Officer or Presenting Officer assuring that leniency will be taken if he accept the guilt of absenteeism. It is denied that evidence of second party is not challenged in the enquiry. Since he remained absent unauthorised on number of occasions and since he has not given any reason for absenteeism it is submitted that, action taken of termination relying on the findings of Inquiry Officer is just and proper and findings not perverse.

4. Second party filed rejoinder Ex-9 denying case of first party and reiterating his own case.

5. In view of above pleadings my learned predecessor framed issues at Ex-10. Out of which, issue of enquiry and perversity of findings are treated as preliminary issues which are answered as follows :

ISSUES	FINDINGS
(i) Whether the domestic Inquiry conducted against the workman was as per the Principles of Natural Justice?	Yes
(ii) Whether the findings of the inquiry officer are perverse?	No

REASONS

Issue Nos. 1 & 2 :

6. Case of second party is that, domestic enquiry conducted about absenteeism was not conducted by following Principles of Natural Justice. According to him, no opportunity was given and his evidence was not considered. Whereas case of first party is that, chargesheet was served. Full opportunity was given. Second party participated in the enquiry. He unable to justify about his absenteeism and so finding was given by Inquiry Officer holding him guilty of misconduct of absenteeism. Concerned workman filed his affidavit at Ex-16 in lieu of Examination-in-chief where he narrated about his absenteeism. In the cross he admitted that, he was served with charge sheet. He admits that, he has admitted the absence in the enquiry. He states that he explained the absenteeism. He states that, he has no evidence to show that evidence given by him were not accepted by the Inquiry Officer. He admits that, previously he was punished by stopping increment. Against that first party examined Arvind Singh Sengar Ex-18. In the cross this witness states that, he did not participate in the enquiry. He states that he has no idea about enquiry. However he deny that enquiry was conducted without following Principles of Natural Justice.

7. Second Party filed written arguments at Ex-20 whereas first party at Ex-21.

8. Here charge against second party workman was of absenteeism. It is pertinent to note that, in the cross-examination he admits absenteeism. Even copies of enquiry proceedings filed at Ex-13 by the management and more precisely, page 19 of it reveals that, while answering to question no. 4, this second party has stated that "my absence on two occasion was cause due to wife's sickness and four occasions was due to own sickness and rest for other reasons". That means, he admits absenteeism. He has not disputed the period of absence i.e. 271 days during 26-10-1996 to 03-05-1998. Charge of misconduct was leveled against second party which covers absenteeism and when that charge was accepted by second party workman, in my considered view, question arise why detailed enquiry is required? At the most explanation has to be sought for remaining absent without permission. He states that medical certificate was not considered by Inquiry Officer. It is pertinent to note that, no such medical certificate is brought on record by the second party to consider at least before this Court to justify his absenteeism. The allegation is that he has habit to remain absent and to disprove it burden lies on second party to show that, he had reason to remain absent. But here though second party workman admits absenteeism, appeared before Inquiry Officer, record and proceeding reveals that, he has not filed those documents before Inquiry Officer. Besides, though he appeared before this Tribunal, he did not produce any document about his sickness of wife, mother or his own. If

at all there was reason form him, one may consider it. But without any evidence, how one can presume that, he was sick or he was absent for sickness of wife, and for sickness of his mother? Besides, this is not an isolated incident for which he was punished. Even previously he was punished by stopping one increment and that is not disputed by him. So when there is no evidence of any type of second party about absenteeism, question of ignoring it by the Inquiry Officer does not arise. Even no evidence is placed before this Tribunal to justify absenteeism. When he admits absenteeism and when he has not justified it, in my considered view, findings given by Inquiry Officer on such said absenteeism cannot be taken lightly and ignored just to help the second party only because he belongs to weaker section. No doubt, employer and employee must get equal opportunity. No doubt employee must get protection. No doubt without following due process of law the employer cannot take any action. At the same time it is expected tht, employee also should act properly. He should follow the procedure. He should follow the guidelines. He should take proper precaution by not remaining absent. Here, it is pertinent to note tht not a single incident is mentioned of evidence or any effort made by him which was ignored by first party. The allegation of first party is that, without intimation and permission he has habit to remain absent and that is why it is treated misconduct. In the inquiry he accept the charge, and when he accepted charge and pleaded guilty of charge then, only question remains of justification of that. Here opportunity is not utilised by second party to justify his absenteeism by giving evidence of any type. Even he has not produced any evidence before this Tribunal to observe findings of Inquiry Officer perverse. When there was no evidence before Inquiry Officer how second party can say that, it was ignored by Inquiry Officer in observing that there was no justification for absenteeism?

9. So, if we consider all these coupled by case madeout by both, I conclude that, enquiry was fair and proper and findings not perverse. Accordingly, I answer above issues and pass the following order :

ORDER

1. Enquiry is fair and proper.
2. Findings not perverse.
3. Both parties to appear on quantum of punishment.

Date : 04-07-2008

A. A. LAD, Presiding Officer

नई दिल्ली, 19 सितम्बर, 2008

का. आ. 2903,—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार उड़ीसा माइनिंग कॉर्पोरेशन लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय

सरकार औद्योगिक अधिकरण/श्रम न्यायालय, भुवनेश्वर के पंचाद (संदर्भ सं. 399/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-9-2008 को प्राप्त हुआ था।

[सं. एल-29011/45/2001-आई आर(एम)]

कमल बाखरु, डेस्क अधिकारी

New Delhi, the 19th September, 2008

S.O. 2903 .—In pursuance of Section 17 of the Industrial Disputes Act, 1947(14 of 1947), the Central Government hereby publishes the award (Ref. No. 399/2001) of the Central Government Industrial Tribunal/Labour Court, Bhubaneswar now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Orissa Mining Corporation Ltd. and their workman, which was received by the Central Government on 19-9-2008.

[No. L-29011/45/2001-IR (M)]

KAMAL BAKHRU, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BHUBANESWAR

Present : Shri N.K.R. Mohapatra, Presiding Officer, C.G.I.T-cum-Labour Court, Bhubaneswar.

Industrial Dispute Case No. 399/2001

Date of Passing Award—4th August, 2008

Between : The Management the General Manager, Orissa Mining Corporation Limited, Keonjhar-769035

... 1st Party—Management

And

Their Workman, Smt. Madhabi Pradhan, Represented through the General Secretary, Keonjhar Mines Mazdoor Union, P.O. Guruda, Keonjhar

... 2nd Party—Union

APPEARANCES

M/s. S.L. Pattnaik, ... For the 1st Party-
Advocate Management

Shri Maheswar Rout, ... For the 2nd Party—Union
General Secretary

AWARD

The Government of India in the Ministry of Labour, in exercise of Powers conferred by Clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) have referred the following dispute for adjudication vide their Order No. L-29011/45/2001 [IR (M)], dated 11-06-2001.

"Whether the demand of the Keonjhar Mines Mazdoor Union At./Po. Guruda, Dist. Keonjhar, to regularize Smt. Madhabi Pradhan in the Cadre Post of Creche Aya from her date of appointment i.e. 23-1-1990 and payment of differential wages from Picker to Creche Aya by the Management of Orissa Mining Corporation Ltd., Barbil is justified? If so what relief the workman is entitled for?"

2. From the claim statement filed by the Union it appears that the disputant-workman Smt. Madhabi Pradhan was appointed as a Picker on daily rated basis in the S.G.B.K. mines of the Management-Company on 23-1-1990. As a Picker she would have worked under sun and rain to separate different grades of ore. Instead, she was attached to a Creche of Thakurani Mines where one Hafiza Khatun was working as a Creche Aya. After closure of the said mine she was transferred to another mine called Siljoda Mine and attached to the Creche of that mine in August 1998, where she is still continuing. It is alleged by the Union that as an outcome of unfair Labour practice the Management posted the disputant in the Creche of Thakurani Mines to discharge the duties of a Creche Aya. After closure of the said mine she was again attached to the Creche of Siljoda Mine to render the duties of a regular Creche Aya. Even though she satisfactorily managed the post of Creche Aya at Thakurani Mines and later in Siljoda Mines she was not paid the salary of that post. Under the above back ground the Union raised an Industrial Disputes before the Asstt. Labour Commissioner (Central) claiming his differential pay as also for her regularization against a vacant cadre post of Creche Aya. According to the Union one Hafiza Khatun who had initially joined as a Mazdoor was subsequently regularized as a Creche Aya as per the decision in O.J.C. 1994/93 of Hon'ble High Court and therefore the disputant should be extended with similar benefits.

3. The Management on the other hand contends that the disputant workman was appointed as a Picker on compassionate ground after her mother took V.R.C. in 1990. The job of a Picker being to separate different grades of ore under sun and rain, the workman requested the Management for her adjustment in some other job and accordingly she was attached to the Creche of Thakurani Mine with effect from 23-1-1990 to assist the Creche Aya, Hafiza Khatun and the nurse. Under the rules, during the absence period of Creche Aya the nurse is to place requisitions for supply of different articles. The concerned Creche Aya Hafiza Khatun (W.W.-1) being an illiterate lady the workman had requisitioned for certain articles during the absence of the nurse and therefore the said requisitions shall not be made the sole basis to say that the workman was discharging the duties of a Creche Aya till she was transferred to the Creche of Siljoda Mine in August 1998. According to the Management on the closure of Thakurani Mine all those who were working there were transferred to other mines but in view of the pendency of

the conciliation proceeding before Asstt. Labour Commissioner (Central) the workman was again attached to the Creche of Siljoda Mine to assist the Creche Aya and the nurse and therefore she is neither entitled to claim the salary of a Creche Aya nor eligible to be regularized against that cadre post. As regards the regularization of Hafiza Khatun in the post of Creche Aya it is further contended by the Management that the said employee was earlier working as a Mazdoor under Sirajuddin & Co. and after its merger with the Management the said Khatun and many others filed O.J.C. 1994/93 before the High Court of Orissa claiming parity of treatment in respect of their pay and service conditions with similarly placed workman in the regular establishment. As per the direction given by the Hon'ble Court the said Hafiza Khatun and few others were given fitment against appropriate posts in the regular service of the Management-Company. The disputant not being a party to that proceeding and her case not being comparable with the case of Hafiza Khatun, she can not be regularized by bypassing the Recruitment Rules.

4. On the pleadings of the parties the following issues were framed.

ISSUES

1. Whether the dispute comes under the Industrial Disputes Act?
2. Whether Smt. Madhabi Pradhan was performing the duty of Creche Aya from the date of appointment i.e. 23-1-1990?
3. Whether she is entitled to be regularized as Creche Aya?
4. Whether the demand of payment of differential wages from Picker to Creche Aya by the Management of Orissa Mining Corporation Ltd., Barbil is justified?
5. To what relief the workman is entitled?

5. Two witnesses from the side of the Union and equal number of witnesses from the side of the Management have even examined. From the side of the Union 5 documents have been marked as Ext.-1 to 5 while no document has been produced by the Management.

FINDINGS

ISSUE No. 1

6. When admittedly the disputant was appointed as a Picker and as she still continues till date under the same designation, there is no question of holding that her claims do not come under the definition of Industrial Disputes. In the written statement the Management no doubt alleged that the Union in question has got no locus standi to raise the dispute but in the absence of evidence to that effect it cannot be said so. Hence this issue is answered affirmatively.

ISSUE NOS. 2, 3, 4 & 5

7. These issues being inter-linked are taken up together.

It is not under dispute that the workman, though was appointed as a Picker, was attached to the creche of Thakurani Mines from 23-1-1990.

It is also not disputed that on the closure of the Thakurani Mine she was transferred to a creche of another mine called Siljoda Mine from 1-8-1998. Therefore, looking at the claim of the Union it is only to be seen whether by attaching the disputant to different creches the Management had ever wanted to extract from her the duties of a Creche Aya and whether she is entitled to be regularized against such post.

8. The evidence of the Management shows that creches are of different grade and therefore they are being managed differently.

9. It is no record that by the time the workman was attached to the creche of the Thakurani Mine one Hafiza Khatun (W.W.-1) was the Creche Aya. This witness (W.W.-1) says that prior to the joining of the disputant she used to take the assistance of the nurse attached to the creche to write out her leave application and other correspondence as she was illiterate and unable to do herself. Coming to the duties performed by her and the disputant she deposed that as a Creche Aya she used to take all cares of the children by dressing their beds, supplying food materials and putting them in bed whenever required. She also used to cook food for the children and all these she used to do as a matter of her duty. As regards the duty performed by the disputant she said that she being illiterate the disputant used to take the attendances of the children and assist her in looking after the children. According to her, on the retirement of the creche nurse she faced various difficulties for which the disputant was provided to her and that after joining of the disputant she used to make all official correspondence through her. But while narrating all these she did not whisper that like her the disputant was also cooking food for the children preparing their bed or supplying food to the children. Thus from an over all assessment of her evidence it embargoes that the disputant was posted there to assist the Creche Aya and in that process she used to place requisitions occasionally to the authority for supply of materials as evident from Ext.-1 to 4, the in charge Creche Aya (W.W.-1) being admittedly an illiterate lady. During cross examination the disputant herself has admitted that she was helping the Aya (W.W.-1) during absence of the nurse in placing the requisitions on behalf of Aya, the later being illiterate. Therefore, in these circumstances. It is hard to believe that the disputant was discharging the duties of an Aya during her tenure in the creche of Thakurani Mine. As I find except placing requisitions during the absence period

of the nurse she was doing no other work which an Aya is required to do. Therefore basing on such requisitions Ext.-1 to 5 it would be wrong to hold that she was rendering the duties of an Aya in the Thakurani Mine creche.

10. As regards the duties performed by the disputant in the Siljoda creche to which she was transferred in 1998 vide Ext.-5, she herself has admitted during cross-examination that, in Siljoda creche she was simply assisting the creche Aya but not issuing any requisitions or doing any part of the duties of an Aya.

11. Thus in the above circumstanced there appears no justification for the Union to claim regularization of the disputant nor for her differential pay.

12. It is no doubt on record that Hafiza Khatun (W.W.-1) joined the Management as a Mazdoor but subsequently without any test or recruitment process she was regularized subsequently as Creche Aya. But from the pleadings and the judgement in O.J.C., 1994/93 which is available on record it appears that, the said Khatun and many others had joined the Management as ex-employees of a merger company known as Sirajjuddin & Co. Ltd. and on their preferring the above O.J.C. the Management had regularized the said W.W.-1 and others as per the direction of the Hon'ble Court and as such the disputant being outside the purview of the said findings, her case can not be weighed equal; with that of Hafiza Khatun.

13. In view of the above discussions I find no merit in the claim of the Union and as such the reference is answered in negation.

N. K. R. MOHAPATRA, Presiding Officer

List of Witnesses Examined on behalf of the 2nd Party-Union:

W. W. 1 - Hafiza Khatun.

W. W. 2 - Madhabi Pradhan.

List of Documents Exhibited on Behalf of the 2nd Party-Workman:

Ext. 1- Requisition, dated 24-3-1991.

Ext.-2-Requisition, dated 20-6-1990.

Ext.-3-Requisition, dated 22-7-1990.

Ext. -4- Requisition, dated 25-11-1990.

Ext.-5-Copy of Transfer Order No. 1534-98, dated 1-8-1998.

List of Witnesses on Behalf of the 1st Party-Management:

M.W.-1-Shri Sapan Kumar Bhatta Mishra.

M.W.-2-Shri Dillip Kumar Choudhury.

List of Documents Exhibited on Behalf of the 1st Party-Management :

The Management have not exhibited any documents.

नई दिल्ली, 19 सितम्बर, 2008

क्र.आ. 2904.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एच. पी. सी. एल., मुम्बई के प्रबंधन के संवद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक/श्रम न्यायालय सं. II, मुम्बई के पंचाट (संदर्भ सं. सीजीआईटी-2/89/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-9-2008 को प्राप्त हुआ था।

[सं. एल-30012/6/2002-आई आर(एम)]

कमल बाखरु, डेस्क अधिकारी

New Delhi, the 19th September, 2008

S.O. 2904.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT-2/89/2002) of the Central Government Industrial Tribunal/Labour Court, No. II, Mumbai now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of HPCL, Mumbai and their workman, which was received by the Central Government on 19-9-2008.

[No. L-30012/6/2002-IR(M)]

KAMAL BAKHRU, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. II AT MUMBAI
PRESENT : A. A. LAD, PRESIDING OFFICER

Reference No. CGIT-1/89 of 2002

Employers in relation to the Management of Hindustan
Petroleum Corporation Ltd.

The General Manager,
Hindustan Petroleum Corporation Ltd.,
Hindustan Bhavan, Ballard Estate,
Mumbai-400038.

.....First Party

AND

Their workman,
M. J. Rathod,
Type B 3, Bldg. No. 2, Sector 4,
4th floor, Room No. 3 & 4,
Vashi Navi Mumbai-400703.

..... Second Party

APPEARANCE

For the employer : Ms. Nandini Memon, Advocate

For the workman : Mr. J. S. Sawant, Advocate

Date of Reserving Award I : 17th March, 2008

date of Passing of Award I : 6th August, 2008.

AWARD PART-I

The reference is sent to this Tribunal by the Under
Secretary of Central Government, the Government of India,

Ministry of Labour by its Order No. L-30012/6/2002/IR (M) dated 13th November, 2002 in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 to decide :

"Whether the claim of the action of the management of Hindustan Petroleum Corporation Ltd., Mahul Refinery, Mumbai in terminating the services of Shri M. J. Rathod, Bulk Operator, w.e.f. 18-5-2001 is legal and justified? If not, what relief the workman concerned is entitled to?

2. To support the subject-matter in the reference the statement of claim is filed by the 2nd Party at exhibit 7 stating that, he was employed by the 1st Party as a general workman with effect from 1st November, 1977 and was promoted to the post of Filler in the year 1980 and was subsequently promoted to the post of Bulk Operator with effect from 16th May, 1981. 2nd Party further contended that, he was attending his duties with sense of devotion and integrity. He was posted to the Mahul Terminal of marketing division of the 1st Party and was working as a Bulk Operator for the second shift commencing from 3 p.m. to 11 p.m. on 23rd July, 1996, where in the course of his duties, he was required to measure the temperature of the product i.e. Mineral Turpentine Oil (MTO) which was loaded in the Tank Truck (T. T.) No. MCU 588 2nd Party further submitted that, when he measured the temperature of the product it was showing 26 degree C but Mr. Rajkumar, the then operation officer and his immediate superior ordered him to note down the temperature in the Challan/ Invoice as 27 degree C, instead of actual temperature of 26 degree C. 2nd Party submitted that, he refused to follow the illegal orders of said Shri Rajkumar since it was detrimental to the interest of the 1st Party and said Rajkumar wanted to do it just to favour the Transporter. However, he, the 2nd Party noted the correct temperature as 26 degree C in the challan but said Shri Rajkumar cut the word 26 degree C and noted, by his own hand, the temperature as 27 degree C. 2nd Party further submitted that, as a result thereof said Shri Rajkumar became angry with the workman, and threatened the workman of dismissal from service by abusing his power and unscrupulous methods and said Shri Rajkumar used abusive and indecent words and decided to teach the 2nd Party workman a lesson and on the false complaint of said Shri Rajkumar the 2nd Party was placed suspension by an order dated 24-7-1996 by the Chief Installation Manager of the 1st Party. 2nd Party further submitted that, he was issued a charge sheet dated 1-8-1996 and he replied it vide his reply dated 2-9-1996. It is further submitted by the 2nd Party that, the 1st Party appointed Enquiry Officer to conduct an enquiry. 2nd Party submitted that, he could not attend the enquiry proceedings for the reasons conveyed to the 1st Party from time to time and thereafter the 1st Party set aside the ex-parte enquiry proceedings and decided to conduct the enquiry afresh. It

is further submitted by the 2nd Party that, his financial, physical and mental conditions was so worsened that he could not attend the enquiry proceedings. It is further submitted by the 2nd Party that, again the enquiry proceedings were conducted by the Management in violation of principles of natural justice and the Enquiry Officer gave perverse findings and the punishment imposed upon him is very harsh, severe and disproportionate punishment of discharge from the services by order dated 18th May, 2001. 2nd Party submitted that, he preferred an appeal dated 14th June, 2001 to the Appellate Authority who confirmed the punishment of discharge from service by order dated 2-11-2001. 2nd Party submitted that, the action of the Management in discharging his services is not legal and justified since the enquiry conducted was in violation of the principles of natural justice, the findings of the Enquiry Officer are perverse and the punishment of termination imposed upon the concerned workman is harsh, severe and disproportionate to the alleged misconduct. 2nd party therefore prayed that, the action of the management in terminating his services be held as illegal and unjustified and 1st Party be directed to reinstate the concerned workman in service with full back wages and consequential reliefs.

3. This prayer is disputed by the 1st Party, by filing reply at Exhibit 9, denying the allegations of the 2nd Party and case made out by the concerned workman stating that, proper opportunity was given to the concerned workman and that the present reference is misconceived and untenable and beyond the jurisdiction of this Tribunal. It is contended by the 1st Party that before terminating the services of the concerned workman fullfledged departmental enquiry was conducted in consonance with the principles of natural justice and the concerned workman was given every opportunity to defend himself but the concerned workman chose deliberately to remain absent himself from the enquiry proceedings though intimation of each date was given to the concerned workman. Hence, the Enquiry Officer proceeded with the enquiry, 'ex parte' and found the concerned workman guilty of all the charges levelled against him. 1st Party further contended that, the report and finding of the Enquiry Officer was sent to the concerned workman by letter dated 14th March, 2001. However, the concerned workman by his letter dated 30th March, 2001 took up technical pleas in conduct of the enquiry and did not submit his explanation to the report and the findings of the Enquiry Officer. 1st Party further contended that, taking into consideration the seriousness of the misconduct proved against the concerned workman, as well as the report and findings of the Enquiry Officer, it decided to award the punishment of 'discharge' upon the concerned workman and the same was communicated to him by its letter dated 14th June, 2001. The said punishment was also upheld by the Appellate Authority by its order dated 2-11-2001 while disposing off the appeal filed by the

concerned workman. 1st Party further contended that, in the event this Hon'ble Tribunal comes to the conclusion that, the departmental enquiry held against the concerned workman was not fair and proper, it should be permitted to lead evidence before to justify the action taken against the concerned workman. 1st Party further submitted that, the concerned workman was employed on 1-11-1977 as Bulk Operator, Grade M-08. Concerned workman was on duty in the second shift on 23-7-1996 at Mahul Terminal of the 1st Party when concerned workman recorded on the trans-shipment order and advice (TOA) No. 605363 dated 23-7-1996 covering a delivery of 16KL Mineral Turpentine Oil 2445 for Aswarwa Depot the temperature of 26 degree C instead of recording the correct temperature of 27 degree C. Shri Rajkumar, the then Operations Officer advised the concerned workman to correct the temperature recorded by him. However the concerned workman disobeyed the instructions given by his superior and deliberately without any reason or justification refused to change the temperature record and correct the temperature as directed. It is further contended by the 1st Party that, in view of the deliberate defiance of reasonable orders of the supervisor Shri Rajkumar by the concerned workman, said Shri Rajkumar himself corrected the record and put the temperature of 27 degree C. It is further contended by the 1st Party that, noticing the said corrections made by Mr. Rajkumar, concerned workman rushed to his table and without any provocation or justification whatsoever, banged his intercom and slapped him on his face. The said incident was witnessed by another Officer Shri A. Surendra Nath, who was present in the vicinity and rushed to the table of Rajkumar's table and took him aside. 1st party contended that, thereafter the concerned workman was placed under suspension by its order dated 24th July, 1996 and on 1-8-1996 charge sheet was issued to the concerned workman for his misconduct which was replied by the concerned workman vide his reply dated 2-9-1996. Mr. S. S. Prasad, the then Sr. Manager (LPG) (West Zone), was appointed as Enquiry Officer to conduct the enquiry proceedings and the Enquiry Officer submitted his report and findings to the Disciplinary Authority/1st Party vide his letter dated 26-10-1998. 1st Party further submitted that, a copy of the said report and findings were sent to the concerned workman vide its letter dated 25-1-1999 calling upon him to submit his say to the said report and findings. The concerned workman by his reply dated 15-2-1999 contended inter alia that, the enquiry was not conducted in accordance with the principles of natural justice and he also pointed out infirmities in the enquiry proceedings and the Enquiry Officer's report. It is further contended by the 1st Party that, though it did not accept the said allegations of the 2nd party, in order to provide the concerned workman further opportunity to defend his case properly, it was decided to conduct the enquiry 'de-novo' and it was communicated to the concerned workman vide its order dated 18th November, 1999. Mr. S. Cousik, the then Senior

Manager, Finance (Western Zone) was appointed as the Enquiry Officer. However, the concerned workman did not attend the new enquiry proceedings in spite of intimation of the enquiry sittings having received by him. The concerned workman by his letter dated 21-3-2000 informed the said Enquiry Officer that, he is not in a position to present himself before the Enquiry Officer to cooperate in conducting the 'de-novo' enquiry and did not give any tenable reasons for the same. Since the concerned workman did not attend the enquiry sittings in spite of receipt of intimations by him the Enquiry Officer decided to conduct the enquiry ex-parte on 13-4-2000. The concerned workman was very clearly informed by the said Enquiry Officer that, in case he failed to attend the enquiry, the enquiry proceedings against him would be conducted ex-parte. In spite of that, the concerned workman did not attend the enquiry proceedings and the Enquiry Officer proceeded with the enquiry ex-parte and submitted his report and findings vide his letter dated 2-3-2001. 1st Party further contended that, a copy of the said report and findings of the enquiry was sent to the concerned workman by its letter 14-3-2001. In reply to it the concerned workman vide his letter dated 30th March, 2001 submitted that, there was no need for conducting fresh 'de-novo' enquiry once the earlier enquiry was declared 'not held in accordance with the principles of natural justice' and did not reply to the material evidence on record against him and he also did not make any submissions in respect of the report and findings of the Enquiry Officer. 1st Party further contended that, after taking into consideration all the relevant aspects of the material evidence the Disciplinary Authority came to the conclusion that the concerned workman was guilty of the charges levelled against him and that the disciplinary proceedings had conclusively proved those charges and by order dated 18th May, 2001 awarded the punishment of "discharge" from the services on the concerned workman by order dated 28-5-2001. It is further submitted that, the concerned workman thereafter preferred an appeal dated 14-6-2001 against the said order of discharge dated 18-5-2001 and the Appellate Authority after considering the appeal of the work, report and findings of the Enquiry Officer as also the findings of the Disciplinary Authority by its order dated 2-11-2001 upheld the order of the Disciplinary Authority in discharging the services of the concerned workman. 1st Party further contended that, the charges levelled against the 2nd Party concerned workman were of a serious nature i.e. willful insubordination, disobedience, riotous, disorderly or indecent behaviour and assaulting his superior officer while on duty the Disciplinary Authority had come to the conclusion and imposed the punishment of discharge from services on the concerned workman after considering the relevant material on record in the light of the gravity and seriousness of the misconduct proved against him and that the 1st Party was perfectly justified in discharging the services of the concerned workman. 1st Party denied the allegations made

by the concerned workman in the statement of claim. 1st Party reiterated that while he was on duty on 15-1-85, the concerned workman was assigned to the TCL department and it was duty and responsibility to load Tank Wagons loading including handling of track switch over level, alongwith other bulk operators. The concerned workman caused the derailment of 2 tank wagons by changing the track by operating track switch over levers. In this regard a show-cause notice dated 18-1-1985 was issued to the concerned workman calling for his explanation. In the meeting held on 25-1-1985 the concerned workman accepted his fault and in view of his pleas not to repeat the mistake on further action was taken against the concerned workman. 1st Party further contended that, the concerned workman was on duty in the Product Transfer Section at the Mahul Terminal in the 3rd shift on 1-3-1986 when Mr. S. C. Marandi, Officer-in-charge of the department directed the concerned workman to line up tank 603 for receipt of 7001 tonnes of MTO 2445 Ex-HPFR and watch the transfer but the concerned workman was found sleeping and he was woke up by said Shri Mirandi and instructed him once again to watch the transfer of MTO. Again after about 20 minutes later Shri Mirandi again found the concerned workman sleeping, in the meantime, MTO product from Tank 603 overflowed to the extent of 16,944 KL leading to a loss of Rs. 44,092.35. The tank had continued to overflow till the receipt valve was closed by other workman. By letter dated 5-8-86 explanation was called for from the concerned workman and he by his reply dated 20-8-1986. However, the concerned workman was warned by letter dated 16-12-1986 and was also informed that, any repetition of such misconduct would warrant severe action against him. 1st Party reiterated that, the concerned workman incorrectly recorded the temperature of Mineral Turpentine Oil which was loaded in the tank truck as 26 degree C instead of the normal and correct temperature of 27 degree C and the concerned workman refused to obey the reasonable order of his immediate superior Shri Rajkumar. 1st Party denied that, the orders of said Shri Rajkumar were illegal or that the orders of Rajkumar to note down the higher temperature in the challan was detrimental to the interest of management and denied that said Rajkumar wanted to favour Transport Operator at the cost of the Management as alleged. In fact the material was a trans-shipment of product within the Corporation, hence the allegation of the concerned workman is totally unfounded and baseless. 1st Party also denied that said Rajkumar became angry with the workman and threatened him with dismissal from his service by abusing his powers and unscrupulous manner and used indecent words and made false complaint against the concerned workman and that without any investigation into the conduct of Rajkumar the concerned workman was placed under suspension w.e.f. 24-7-1996. 1st Party further submitted that it is not aware and does not admit that the concerned workman could not attend the enquiry proceedings for reasons as

informed to the management from time as alleged or at all. It further submitted that, it was only with a chance to give the workman another opportunity of meeting serious allegations of misconduct against him, that a decision was taken to conduct the enquiry proceedings 'de novo' against the concerned workman. 1st Party further contended that, it is not aware and does not admit that, the financial position and mental condition of the workman was so worsened to the extent that he could not attend the proceedings of the enquiry committee as alleged. The concerned workman was being paid subsistence allowance at 100% of his basic salary. 1st Party denied that, the enquiry proceedings were conducted by it in violation of the principles of natural justice or that the enquiry officer gave perverse findings and that the punishment imposed upon the concerned workman was very harsh, severe and disproportionate. 1st Party further reiterated and contended that the enquiry proceedings held against the concerned workman were in fair, proper and legal manner by following the principles of natural justice. Though the concerned workman was intimated about each date of the enquiry he chose to deliberately remain absent and therefore the Enquiry Officer was left with no other alternative, but to proceed with the enquiry ex-parte. 1st Party further contended that, the degree of proof which is required in a departmental enquiry is one of preponderance of probabilities and not proof beyond all reasonable doubts and that the punishment imposed upon the concerned workman is one of the punishments which is prescribed in the Standing Orders applicable to the said workman. It further contended that the gravity of the charges proved against the workman necessitated the imposition of punishment of discharge from the services and that no lesser punishment could have been imposed upon him. On earlier two occasions of misconduct the concerned workman was shown leniency and any lesser punishment on the third occasion where the misconduct was extremely serious and established in the enquiry proceedings would lead to frustration among the dedicated, sincere and honest workmen. 1st Party therefore prayed that, the reference be decided against the concerned workman.

4. In view of the above pleadings issues were framed at Exhibit 16. Out of those Issue No. 1 and 2 framed are treated preliminary issues which are on the point of enquiry and finding. Those are answered as follows :

ISSUES	FINDINGS
(1) Is enquiry fair and proper?	No
(2) Is finding perverse?	Yes

Reasons :

Issue Nos. 1 & 2 :

5. 2nd Party claims that, enquiry conducted against him was not conducted by following principles of natural justice. He did not participate in the enquiry. He did not get opportunity to lead evidence. Finding given by the Enquiry Officer is a finding on evidence of the 1st party only. No evidence of 2nd party was in the enquiry and as such it is not a finding on merits. Whereas case of the 1st Party is that opportunity was given to the 2nd Party concerned workman but he did not utilize it. He purposely remained absent from the enquiry. Now, he cannot blame enquiry and 1st Party for ex-parte enquiry and finding given by the Enquiry Officer. To establish that 2nd Party lead evidence by filing affidavit in lieu of examination-in-chief at Exhibit 18, where he reiterated his case of not attending enquiry. The allegations levelled against the concerned workman were that, he was required to measure temperature of the product i.e. Mineral Turpentine Oil (MTO) which was loaded in the Tank Truck (TT) No. MCU 588. According to 2nd Party temperature of the product when measured by the concerned workman was 26 degree C. There was operation officer who is his immediate supervisor ordered the concerned workman to note down the temperature in the Challan as 27 degree C though it was 26 degree C. The concerned workman refused to record wrong temperature at the instance of said Rajkumar, his immediate superior, Operation Officer. It was not liked by the said officer and so on his complaint, enquiry was conducted by issuing charge sheet and levelling charges of misconduct. In the cross this witness states that further charge sheet was served on him. He admits that, he replied it. He admits that, second enquiry was initiated 'de-novo' against him. He was served with the letter dated 18-1-1989 and he replied the said letter. He admits that, he did not attend the 2nd enquiry because it was de-novo. He admits that, copy of finding was served upon him and he replied the same. He admits that he was served with the copy of the report and the findings of the enquiry officer and he replied it. He admits that, he had filed appeal on receipt of the termination order. After that the concerned workman closed his evidence by filing pursis at Exhibit 19. There is no evidence from 1st party's side. 2nd Party, concerned workman, filed written arguments at Exhibit 21 maintaining that, he was required to measure the temperature of the product i. e. Mineral Turpentine Oil (MTO) which was loaded in the Tank Truck (T.T.) No. MCU. 588 and which was 26 degrees C when measured by him but at the instance of his immediate superior Mr. Rajkumar, Operation Manager, he did not record 27 degree C, which was not liked by his said immediate superior Mr. Rajkumar. According to the concerned workman report of the said Rajkumar is the main ground for service of charge sheet and to proceed against him.

6. Enquiry proceedings are filed at Exhibit 17. It reveals that 2nd Party did not participate in the enquiry. Even 1st Party has not led evidence by examining Enquiry Officer to show that, enquiry was fair and proper and it was conducted by following principles of natural justice. Again for conducting 'de-novo' enquiry the reason given by the 1st Party is that 2nd Party purposely remained absent. But that is not proved by leading any evidence. In the absence of the evidence from 1st Party and looking to the evidence led by the 2nd Party which is not refuted by leading other evidence by examining the Enquiry Officer or any other witnesses, I conclude that, enquiry is not fair and proper.

7. If the enquiry is not fair and proper the finding given by the Enquiry Officer which is not on the evidence of the 2nd Party cannot be treated as finding on merits. So I answer this Issue to that effect and conclude that the enquiry is not fair and proper and finding perverse. Hence, the order:

ORDER

I conclude that the enquiry is not fair and proper with its finding perverse; vis-a-vis 1st Party to justify its action of termination.

Bombay,

6th August, 2008

A. A. LAD, Presiding Officer

नई दिल्ली, 19 सितम्बर, 2008

का.आ. 2905.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी. पी. सी. एल., मुम्बई के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय सं. 2 मुम्बई के पंचाट (संदर्भ सं. सीजीआईटी-2/42/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-9-2008 को प्राप्त हुआ था।

[सं. एल-30012/13/2006-आईआर(एम)]

कमल बाखरू, डेस्क अधिकारी

New Delhi, the 19th September, 2008

S.O. 2905.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT-2/42/2006) of the Central Government Industrial Tribunal/Labour Court, No. 2, Mumbai now as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of BPCL, Mumbai and their workman, which was received by the Central Government on 19-9-2008.

[No. L-30012/13/2006-IR(M)]

KAMAL BAKHRU, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, MUMBAI PRESENT: A. A. LAD, PRESIDING OFFICER

Reference No. CGIT-2/42 of 2006

Employers in Relation to the Management of Bharat
Petroleum Corporation Ltd.

The Sr. Manager (HRS-West)
Bharat Petroleum Corporation Ltd.,
Bharat Bhavan, 4 & 6 Currimbhoy Road
Ballard Estate,
Mumbai-400 038.

And

Their workman,

Shri Sanjeev P. Desai
C/o Mrs. Surekha P. Bhosale
Flat No. 501, Poonam Nagar
Off Mahakali Caves Road
Andheri (E)
Mumbai-400 093

APPEARANCES

For the Employer : Mr. R. S. Pai, Advocate

For the Workmen : No appearance

Mumbai, dated 4th July, 2008

AWARD

The Government of India, Ministry of Labour by its Order No. L-30012/13/2006/IR (M) dated 14-7-2006 in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following dispute to this Tribunal for adjudication:

"Whether the action of the management of BPCL, Mumbai in terminating the services of Sh. Sanjeev Desai Emp. No. 37957, by way of dismissal from the service of BPCL w.e.f. 5-5-2005 is proper, justified and proportionate? If not, then what relief the workman is entitled to?"

2. By notice Ex-4, it appears served on second party workman but he remained absent. Even later on, notice Ex-7 sent on same address of the workmen returned back by postal authorities with remark not claimed. So the reference is disposed of for want of prosecution. Hence the order:

ORDER

Reference is disposed of for want of prosecution.

Date: 4-7-2008

A. A. LAD, Presiding Officer

नई दिल्ली, 22 सितम्बर, 2008

AWARD

Passed on 20-8-2008

का.आ.2906.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुवन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1 चण्डीगढ़ के पंचद (संदर्भ सं. 233/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-9-2008 को प्राप्त हुआ था।

[सं. एल. 40012/233/2003-आईआर(डी यू)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 22nd September, 2008

S.O. 2906.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 233/2004) of the Central Government Industrial Tribunal-Labour Court, No.1, Chandigarh, as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of Department of Telecom. and their workman, which was received by the Central Government on 22-9-2008.

[No. L-40012/233/2003-IR(DU)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE SHRI GYANENDRA KUMAR SHARMA,
PRESIDING OFFICER, CENTRAL GOVT.
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-1,
CHANDIGARH

Case No. I. D. 233/2004

Sh. Jaswinder Singh S/o Sh. Jarnail Singh, C/o Trade
Union Council Panaka

... Applicants

Versus

- (1) The District Manager, Telecom Ferozepur
- (2) The Sub Division Officer (Group), Telecom,
Telephone Exchange, Mukatsa (Punjab)
- (3) Sh. Harinder Singh Govt. Contractor, New Anar
Nagar Opp. Industrial Area Malwal Road,
Ferozepur City, Ferozepur-152002.
- (4) The Sub Division Officer, Telecom, Exchange,
Kotkapura

... Re-pondents

APPEARANCES

For the workman : None

For the management : G. C. Babbar

Central Govt. vide notification No. L-40012/233/2003 IR (DU), dated 21-6-2004 has referred the following dispute to this Tribunal for adjudication:

"Whether the action of the management of District Manger, Telecom, Ferozepur in terminating the service of Jaswinder Singh S/o Sh. Jarnail Singh w.e.f. 1-11-1998 without any notice and without any payment of retrenchment is illegal and unjustified? If so, to what relief the concerned workman is entitled and from which date?"

2. No one is present, on behalf of workman. Learned representative of the management Shri G. C. Babbar is present. Since morning this reference has been called number of times. At 10.45 AM, it was order to be placed before this Tribunal once again at 2 pm. It is 2.30 now and on repeated calls no one is present, in spite of having of full knowledge of the proceedings of this reference. The reference is as old as referred to this Tribunal in the year 2004. On repeated calls since morning no one is present. Accordingly, the reference is dismissed in default for non-prosecution. Central Government be informed accordingly. File to be consigned.

Chandigarh

Date: 9-9-08

G. K. SHARMA, Presiding Officer

नई दिल्ली, 22 सितम्बर, 2008

का.आ.2907.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुवन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1 चण्डीगढ़ के पंचद (संदर्भ सं. 55/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-9-2008 को प्राप्त हुआ था।

[सं. एल. 40012/19/2005-आईआर(डी यू)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 22nd September, 2008

S.O. 2907.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 55/2006) of the Central Government Industrial Tribunal-Labour Court, No.1, Chandigarh, as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of Department of Telecom. and their workman, which was received by the Central Government on 22-9-2008.

[No. L-40012/19/2005-IR(DU)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

**BEFORE SHRI GYANENDRA KUMAR SHARMA,
PRESIDING OFFICER, CENTRAL GOVT.
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-1,
CHANDIGARH**

Case No. I. D. 55/2006

Sh. Baldev Singh S/o Sh. Santokh Singh, R/o Nawar
Mohalla, Nanakpura, Ward No. 15, Nangal Raod, Ropar.

.... Applicant

Versus

The General Manager, Telecom District Bharat Sanchar
Nigam Ltd, Ropar 140001

.... Respondents

APPEARANCES

For the workman : None

For the management : None

AWARD

Passed on 4-9-08

Central Government vide notification No. L-40012/
119/2005-IR (DU), dated 15-9-2006 has referred the following
dispute to this Tribunal for adjudication:

"Whether the action of the management of General
Manager, Telecom BSNL, Ropar in terminating the services
of Shri Baldev Singh, Lorry Driver, w.e.f. 28-8-2001 is
legal and justified? If not, to what relief the concerned
workman is entitled to?"

2. No. one is present, on behalf of workman. Learned
representative of the management is not present. Since
morning this reference has been called number of times. At
10.45 a.m., it was order to be placed before this Tribunal
once again at 2 p.m. It is 2.30 now and on repeated calls no
one is present, in spite of having of full knowledge of the
proceedings of this reference. The reference is as old as
referred to this Tribunal in the years 2006. On repeated
calls since morning no one is present. Accordingly, the
reference is dismissed in default for non-prosecution.
Central Government be informed accordingly. File to be
consigned.

Chandigarh

Date : 4-9-08 G. K. SHARMA, Presiding Officer

नई दिल्ली, 22 सितम्बर, 2008

का.आ.2908.—औद्योगिक विवाद अधिनियम, 1947
(1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेंट्रल
इंस्टिट्यूट ऑफ कॉटन रिसर्च के प्रबंधन के संबंध नियोजकों और
उनके कर्मचारियों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में

केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. I, चण्डीगढ़
को पंचाद (संदर्भ सं. 83/99) को प्रकाशित करती है, जो केन्द्रीय
सरकार को 22-9-2008 को प्राप्त हुआ था।

[सं. एल-42012/215/98-आईआर(डी यू)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 22nd September, 2008

S.O. 2908.—In pursuance of Section 17 of the
Industrial Disputes Act, 1947 (14 of 1947), the Central
Government hereby publishes the award (Ref. No. 83/99)
of the Central Government Industrial Tribunal/Labour
Court, No.1, Chandigarh, now as shown in the Annexure,
in the Industrial dispute between the employers in relation
to the management of Central Institute of Cotton
Research, and their workman, which was received by the
Central Government on 22-9-2008.

[No. L-42012/215/98-IR(DU)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

**BEFORE SHRI GYANENDRA KUMAR SHARMA,
PRESIDING OFFICER, CENTRAL GOVT.
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-1,
CHANDIGARH**

Case No. I. D. 83/99

Smt. Kala C/o Sh. Darshan Singh, 371/9, Jawahar Nagar,
Hissar- 125001

.... Applicant

Versus

The Head of the station, Central Instt. Of Cotton Research,
Regional Station, Sirsa (Haryana) 125055

.... Respondents

APPEARANCES

For the Workman : None

For the Management : Shri S. K. Sidana

AWARD

Passed on 4th March, 1999

Central Government vide Notification No. L-42012/
215/98-IR (DU), dated 4-3-1999 has referred the following
dispute to this Tribunal for adjudication:

"Whether the action of the management of Central
Instt. of Cotton Research in terminating the services of
Smt. Kala W/o Sh. munshi Ram is legal & justified? If not,
to what relief the concerned workman is entitled to?"

2. No one is present, on behalf of workman. Learned
representative of the management is present. Since morning
this reference has been called number of times. At

10.45 a.m., it was order to be placed before this Tribunal once again at 2 p.m. It is 2.30 now and on repeated calls no one is present, in spite of having of full knowledge of the proceedings of this reference. The reference is as old as referred to this Tribunal in the years 1999. On repeated calls since morning no one is present. Accordingly, the reference is dismissed in default for non-prosecution. Central Government be informed accordingly. File to be consigned.

Chandigarh

Date : 10-9-08 G. K. SHARMA, Presiding Officer

नई दिल्ली, 22 सितम्बर, 2008

का.आ. 2909.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेन्ट्रल इन्स्टिट्यूट ऑफ़ कॉटन रिसर्च के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1 चण्डीगढ़ के पंचाट (संदर्भ सं. 81/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-9-2008 को प्राप्त हुआ था।

[सं. एल-42012/205/98-आईआर(डी यू)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 22nd September, 2008

S.O. 2909.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 81/99) of the Central Government Industrial Tribunal-Labour Court, No.1, Chandigarh, now as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of Central Institute of Cotton Research, and their workman, which was received by the Central Government on 22-9-2008.

[No. L-42012/205/98-IR(DU)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE SHRI GYANENDRA KUMAR SHARMA,
PRESIDING OFFICER, CENTRAL GOVT.
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, -I,
CHANDIGARH

Case No. I. D. 81/99

Smt. Darshna C/o Sh. Darshan Singh, 371/9, Jawahar nagar,
Hissar- 125001

.... Applicant

Versus

The Head of the Station, Central Instt. Of Cotton Research,
Regional Station, Sirsa (Haryana) 125055

... Respondents

APPEARANCES

For the Workman : None

For the Management : Shri S. K. Sidana

AWARD

Passed on 10-9-08

Central Government vide Notification No. L-42012/205/98(IR (DU), dated 4-3-1999 has referred the following dispute to this Tribunal for adjudication:

“Whether the action of the management of Central Instt. of Cotton Research in terminating the services of Smt. Darshna W/o Sh. Bir Singh is legal & justified? If not, to what relief the workman is entitled to?”

2. No one is present, on behalf of workman. Learned representative of the management is present. Since morning this reference has been called number of times. At 10.45 a.m., it was order to be placed before this Tribunal once again at 2 p.m. It is 2.30 now and on repeated calls no one is present, in spite of having of full knowledge of the proceedings of this reference. The reference is as old as referred to this Tribunal in the years 1999. On repeated calls since morning no one is present. Accordingly, the reference is dismissed in default for non-prosecution. Central Government be informed accordingly. File to be consigned.

Chandigarh

Date : 10-9-08

G. K. SHARMA, Presiding Officer

नई दिल्ली, 22 सितम्बर, 2008

का.आ. 2910.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार जी. बी. एम. बी. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1 चण्डीगढ़ के पंचाट (संदर्भ सं. 187/90) को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-9-2008 को प्राप्त हुआ था।

[सं. एल-42012/55/90-आईआर(डी यू)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 22nd September, 2008

S.O. 2910.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 187/90) of the Central Government Industrial Tribunal-Labour Court, No.1, Chandigarh, now as shown in the Annexure, in the Industrial dispute between the employers in relation

to the management of B. B. M. B., and their workman, which was received by the Central Government on 22-9-2008.

[No. L-42012/55/90-IR(DU)]
AJAY KUMAR GAUR, Desk Officer

ANNEXURE

**BEFORE SHRI GYANENDRA KUMAR SHARMA,
PRESIDING OFFICER, CENTRAL GOVT.
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I,
CHANDIGARH**

Case No. I. D. 187/90

The General Secretary, Nangal Bhakra Mazdoor Sangh,
Kolan Area, Nangal Township, Distt. Ropar-140124

.... Applicant

Versus

The Chief Engineer, Bhakra Dam, Nangal Township, Distt.
Ropar (Pb.)

... Respondents

APPEARANCES

For the Workman : Sri R. K. Singh

For the Management : Sri Bhagat Singh

AWARD

Passed on 8-9-08

Government of India vide Notification No. L-42012/55/90-IR (DU), dated 27-11-90 referred the following Industrial dispute to this Tribunal for adjudication:

"Whether the action of the management of Bhakra Beas Management Board, rep. Through the Chief Engineer, Bhakra Dam, Nangal Township in terminating the services of Shri Krishan Ram regulation Belder/Daryai-man w.e.f 30-7-88 is justified? If not, to what other relief the workman is entitled to and with what effect?"

As per the averment made by the workman in his statement of claims, he has been in employment with the B.B.M.B. since 1975 in all the rainy seasons as Daryai man/regulation Belder, as unskilled majdoor on work charged basis. He was engaged on rainy seasons only and was employed till 29-7-88. Due to the death of his relative, he had to proceed to nearby Shimla about 200 kilometers from the site of work. He presented an application to his Incharge for two days for 30-7-88 and 31-7-88 and reported for duty as usual on 1-8-88. He was not allowed to join duty and was put on road. For the said cause another case is also pending adjudication in reference No. 174190 and in the present reference, the workman has claimed re-employment in the rainy season of 1989 and so on which is denied to

the workman. The denial by management to provide rainy season work in 1989 onward is arbitrary and unjust. On the basis of the above averment, the workman has prayed for an order of re-employment for the rainy seasons 1989-90 and so on with back wages.

It is not disputed by the management of respondent that from 1975 to 1987 the workman was employed regularly during the rainy season after having been sponsored by the employment exchange as per the terms and conditions of the appointment. The services of the petitioner came to an end after the expiry of each specified period. Upto 29-7-88 the petitioner was engaged with the management but on 30-7-88 he absented himself from duty and another man was employed in his place in the exigency of work. The workman is already gainfully employed working as a contractor for extraction of sand, bajri and stone on Sakarkhand, since long period by concealing this fact with the management of BBMB that he was working as contractor and simultaneously employed in the BBMB as Daryai-man.

In his rejoinder the petitioner challenges the averments of management of BBMB made in written statement.

Both of the parties were afforded the opportunity to adduce evidence oral and documentary. Apart from the oral evidence, the following documents has been filed by the petitioner. Annexure I is the medical certificate provided by the workman regarding his admission to the hospital on 30-7-88 and discharged on 1-8-88. Annexure II is the letter of BBMB regarding the extraction of sand, bajri etc. All the appointment letters from 1975-1988 are also on record containing the terms and conditions of appointment.

I have heard learned counsels for the parties and pursued the entire materials on record.

Undoubtedly, the workman was working from 1975 to 1987, regularly with the management of BBMB for rainy seasons as Daryai-man/regulation Belder as unskilled majdoor. He was also provided the work for 1988 and he reported to his duty on 2-7-88. The dispute is that the workman absented for two days i.e. 30-7-88 and 31-7-88. As per the statement of workman, he had to proceed to Shimla which is about two hundred kilometers from the place of his duty on account of the death of his relative, thereafter, he fall ill and was admitted to hospital on 31-7-88 and was discharged on 1-8-88. He has stated that an application was moved for two days. On the other hand the management has denied that any application for leave was moved by the workman. He absented from duty without information and at his place considering the exigency of work another person was engaged.

There are two questions to be answered by this Tribunal. In this reference:-

Firstly, whether the workman can be retrenched as per the terms and conditions of the employment with the management under ordinary circumstances?

Secondly, whether the workman under the facts and circumstances of the case is entitled for any relief?

In my view the appointment of workman was temporary for a particular period and that was for rainy seasons only. On perusal of the appointments letters, it is also evident that workman was provided the work for a definite period of time and as soon as the time was over the employment provided to the workman ceased automatically and the workman cannot claim to be the retrenched as per the provisions of Industrial Disputes Act. Hon'ble Apex Court in *Marinda Corporation Sugar Mills Ltd. Vs. Ram Kishan and Another* FJR (1988) Supreme Court 4, has held that since it was only seasonally work, the respondent cannot be said to have been retrenched on their employment ceasing on the closure of the season in view of the clause (bb) of Section 2(oo) of the Industrial Disputes Act, 1947. Hon'ble the Apex Court in the above mentioned judgment has also directed to maintain a register for all workmen who had been engaged during the season and when a new season is started, the management should make the publication in the neighbourhood in which the respondent normally lived and if they could report for duty, engaged them in accordance with their seniority and exigency of work.

Thus, if the work provided to the workman has ceased on completion of work after the rainy seasons he had no say before this tribunal that he was retrenched. But in this case the situation is otherwise. He absented himself for two days on 30-7-88 and 31-7-88. The causes which he has shown for his absent is that he moved to Shimla on account of the death of his relative and thereafter, when he was returning, he fell ill and was admitted to hospital on 30-7-88 and was discharged on 1-8-88. He has filed a medical certificate of P. H. C. Uheria that he was admitted to hospital on 30-7-88 and was discharged on 1-8-88. It is true that in statement of claims he has asserted that he moved an application for two days to the work-in-charge of the management of BBMB, before moving to Shimla, but in his affidavit Ex. M1 he has not narrated a single sentence about moving of any application before moving from the duty. Thus, there is no evidence to believe the contention of the workman that he moved from the duty on 29-7-88 after his duty after moving an application for two days i.e. for 30-7-88 and 31-7-88. On the other hand, the management of BBMB had specifically mentioned that no such application was moved and he absented from the duty without information.

The workman along with the other persons was engaged for rainy seasons. It was really an exigency of work to which the workman was appointed, as stated by the representative in the management that the site cannot be left without a man even for a minute because during the

rainy seasons the flow of water is to be watched and reported at every point of time. Thus, on the absent of the workman the site cannot be left without a man and considering the nature of the work, on account of absent from his duty without any information, another person was engaged at his place. It is admitted to the workman that at his place another person was engaged.

If there was some emergency to the workman, which every man is supposed to have in the ordinary course of nature, he should have apply for leave to the appropriate authority of the management of BBMB. Considering the nature of work, moving from the duty without information was not proper and legal on part of the workman and he was rightly considered as absented without information from the duty and the management has rightly engaged another man at his place on account of exigency of work. As there were laches on part of the workman himself, it cannot be said that he was removed by the management but his removal from the work was on account of his own misconduct that he absented from duty without information to the Officer concern of the management of BBMB. Hence, it cannot be said that he was retrenched by the management. It is true that as per the provisions of Industrial Disputes Act, the workman had a claim of priority to the work in next rainy seasons appointments. It has also been held by the Hon'ble the Apex Court in *Ram Kishan's case*(supra) that preference shall be given to the workman in the next season as per the procedure laid down by the Hon'ble the Apex Court. But a new fact has been emerged in this case that the workman was lawfully employed and was working as a contractor for earning his livelihood. In his cross-examination, the workman Shri Krishan as W.W. 1 has admitted the authenticity of Ex. M 1 and Ex. M2 regarding his working as contractor for the purpose of extraction of sand, bajri and stone from Sukarkhand since a long period. The documents which have been filed by the management as Ex. M 1 and Ex. M2 also shows that this work was carried on by the workman even at the time when he was engaged with the management of BBMB during rainy seasons as Daryajoven. As the workman was lawfully employed and was earning his livelihood, the management was right in his approach to provide the work to another needy person of Indian Society and there is no violation of any rule of Industrial Disputes Act and of the law laid down by Hon'ble the Apex Court in *Ram Kishan's case*(supra) as he was lawfully employed and earning his livelihood as contractor of the management of BBMB for extraction of sand, bajri and stone etc. Accordingly, neither the workman was a retrenched, nor is entitled for any relief in the instant reference under the provisions of Industrial Disputes Act. This reference is accordingly answered. Let the Central Government be informed. File be consigned.

G. K. SHARMA, Presiding Officer

नई दिल्ली, 22 सितम्बर, 2008

का.आ. 2911.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.बी. एम.बी. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय सं. 1, चण्डीगढ़ के पंचाट (संदर्भ सं. 69/91) को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-9-2008 को प्राप्त हुआ था।

[सं. एल-42012/181/90-आईआर(डीयू)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 22nd September, 2008

S.O. 2911.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 69/91) of the Central Government Industrial Tribunal-cum-Labour Court No. I, Chandigarh, as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of B.B.M.B., and their workman, which was received by the Central Government on 22-9-2008.

[No. L-42012/181/90-IR(DU)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

**BEFORE SHRI GYANENDRA KUMAR SHARMA,
PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT
NO. I, CHANDIGARH
Case I.D. No. 69/91**

Sh. Ram Pal S/o Sh. Sandhya Lal,
C/o General Secretary, Nangal,
Bhakra Mazdoor Sangh,
Nangal Township-140124 Applicant

Versus

Chief Engineer, B.B.M.B.,
Nangal Township,
District Ropar-140061 Respondent

APPEARANCES

For the workman : Shri R. K. Singh
For the Management : Shri Bhagat Singh

AWARD

Passed on 10-9-2008

Government of India, vide Notification No. L-42012/181/90/IR (DU) dated 13-6-91 referred the following Industrial Dispute for judicial adjudication :

"Whether the action of the Chief Engineer, Bhakra Beas Management Board, Nangal Township, in terminating the services of Shri Ram Pal, S/o Sh. Sandhya Lal, Mazdoor w.e.f. 1-9-89 is justified? If not, what relief the concerned workman is entitled to and from what date?"

As per the averments made by the workman in the statement of claim, he was employed in the Nangal Division w.e.f. 24-7-89, as unskilled Mazdoor and was continuously employed till 6-8-89. While on duty, he met with an accident on 6-8-89 and suffered an injury in his left eye. He became unconscious and was taken to B.B.M.B. Hospital where he was given the First-Aid treatment and was referred to PGI, Chandigarh, where he remained admitted from 7-8-89 to 21-8-89. He was advised to visit PGI on 28-9-89 and was finally discharged on 31-8-89. He reported for duty on 1-9-89, but was not allowed to join duty by the JE and SDO in charge. He was refused to join the duty on account of being a daily waged employee and the daily waged employee has no claim for the re-employment. The management has been recruiting the new hands whereas, he was denied the work. Accordingly, he has prayed for reinstatement in the services with full back wages with cost and damages.

The management of B.B.M.B. admitted the fact of accident on duty. It is denied that after accident, no information was given to the management but it is admitted the previously, he was treated in the hospital of B.B.M.B. and then was referred to PGI. He has not reported for duty on 1-9-89 but for the first time, he reported the matter to SDO on 14-9-89. As per the management of B.B.M.B., it was obligatory on his part to inform the JE/SDO about the accident immediately on the occurrence of the accident which was not done. He was a daily wager appointed for the monsoon seasons and as the season was over no question for taking him to rolls arise. He was provided the full compensation under the Workman Compensation Act, admissible to him on account of his accident on duty.

Both of the parties were afforded the opportunity for adducing evidence. In his cross-examination, the workman has just repeated the contents of the statement of claim. He has admitted that he has got compensation of Rs. 11,885.87 on account of his accident on duty.

Heard learned counsels for both of the parties. Learned Legal Advisor has argued that the workman is entitled to reinstatement in the service because he was prevented to work with the management on account of the accident while he was on duty and this situation was out of his control. He should be provided the full back wages and the seniority in the service. Learned Legal Advisor for the management of B.B.M.B. has admitted that whenever the management will engage any person for the work, the workman was carried on, he will be given priority. He has also argued that seniority benefit can be given subject to

the rules and regulations and the policy decision of management of B.B.M.B.

Considering the argument of learned Legal Advisor of the management and the facts and evidence of the case, I am of the view that the workman has not completed 240 days of work proceeding to the date of his disengagement from the service. However, as per the provisions of Industrial Disputes Act, he has a right to priority for the work to which he was working at the time of his disengagement. It is undisputed that the workman met with an accident and because of the injuries sustained in the accident, he was unable to work and it was the duty of the management to provide him the work in the next seasons which was not given. Thus, on the basis of the pleadings, evidence and other materials on record and the contention made by learned Legal Advisor of the management, I am of the view that the workman was wrongfully disengaged from the work and he is entitled to get the work as per the provisions of Industrial Disputes Act on priority. Accordingly, the management of B.B.M.B. is directed to provide the work to the workman on priority whenever any person is engaged for the same work on which the workman was working at the time of his disengagement. As the workman has not worked for a long time, it will not be proper to order for the back wages. On seniority, as admitted by the learned Legal Representative of the management, it is ordered that the seniority of the workman shall be maintained and protected as per the rules and regulations applicable to the management of B.B.M.B. and as per the policy decision of the management of B.B.M.B. This reference is disposed of accordingly. Central Government be informed, file be consigned.

G. K. SHARMA, Presiding Officer

18 अक्टूबर, 22 सितम्बर, 2008

का.आ. 2912, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) के भाग 17 के अनुसूच में, केन्द्रीय सरकार द्वारा जवाहर नवोदय विद्यालय के प्रबंधन के संबंध निरोधकों और उनके कर्मचारियों के बीच, अनुसूच में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिनियम सं. 1, जण्डिगढ़ के पंचायत (संशोधन) 1952 (2002) को प्रकाशित करती है जो केन्द्रीय सरकार को 22-9-2008 का प्रावण हुआ था।

[सं. 4-2012/218/2001-आईआर (सी.जी. 11)]

अजय कुमार गौर, डेस्क ऑफिसर

New Delhi, the 22nd September, 2008

S.O. 2912. - In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 173/2002) of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Chandigarh, as shown in the Annexure, in the Industrial Dispute between the management of

Jawahar Navodaya Vidyalaya and their workmen, which was received by the Central Government on 22-9-2008.

[No. 4-2012/218/2001-IR(CM-11)]
AJAY KUMAR GAUR, Desk Officer

ANNEXURE

**BEFORE SHRI GYANENDRA KUMAR SHARMA,
PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT
NO. 1, CHANDIGARH
Case U.O. No. 173/2002**

Sh. Bhushan Kumar Sh. Sh. Baluk Ram.
R/o Bagla (Thandapatti), Tehsil-Sunderbani
Distt. Rajouri (J & K), Jammu Applicant

Versus

The Principal, Jawahar Navodaya Vidyalaya,
Nud (Samba), Distt. Jammu, Jammu Respondent

APPEARANCES

For the Workman : Workman in person
For the Management : Shri D. R. Sharma

AWARD

Passed on 12-9-2008

Central Government vide Notification No. 4-2012/218/2001/IR (CM-11) dated 2-8-2002 has referred the following Dispute to this Tribunal for adjudication :

"Whether the action of the management of Jawahar Navodaya Vidyalaya, Nud, represented by Principal Jawahar Navodaya Vidyalaya, Nud, in terminating the services of Shri Bhushan Kumar w.e.f. 1-12-97 is legal and justified? If not, what relief the workman is entitled to and from which date?"

2. The present reference was made by the Central Government on the failure of conciliation proceedings for adjudication of the matter referred in the schedule referred above and the workman prayed for declaring the action of the management as illegal and invalid. And the management may be directed to re-engage the workman with full back wages and continuity of service.

3. The management turned up and opposes this reference.

4. As per office memorandum dated 30-4-08, this case was fixed in pre-lit. Ad that meeting on 5-9-08 for its disposal by adopting the mediation and conciliation mechanism. The presiding authority Mrs. Sukhraj Kaur, Principal made the statement in Lok Adalat on 22-8-08, that the management agrees to provide to the workman on the same terms and condition on which he was working earlier

at the time of removal/left the job by the workman. Today workman appeared in Lok Adalat and made a statement that he accept the offer made by the principal and he will not claim any back wages and other benefits and he withdraws the present reference in Lok Adalat. Accordingly the reference is returned to the Central Government as settled in Lok Adalat. Central Government be informed. File be consigned to record.

Chandigarh

12-9-2008

G. K. SHARMA, Presiding Officer

नई दिल्ली, 22 सितम्बर, 2008

का.आ. 2913.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.बी. एम.बी. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 1, चण्डीगढ़ के पंचाट (संदर्भ सं. 185/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-9-2008 को प्राप्त हुआ था।

[सं. एल-23012/25/2002-आईआर(सीएम-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 22nd September, 2008

S.O. 2913.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 185/2003) of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Chandigarh, as shown in the Annexure, in the industrial dispute between the management of B.B.M.B., and their workman, received by the Central Government on 22-9-2008.

[No. L-23012/25/2002-IR(CM-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE SHRI RAJESH KUMAR, PRESIDING
OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT
NO. 1, CHANDIGARH

Case No. I.D. 185/2003

Sh. Tarlochan Dass C/o Sh. R.K. Singh Parmar,
211-L, Brari, P.O. Partap Nagar,
Nangal Dam, Distt. Ropar

... Applicant

Versus

The Chief Engineer, BBMB,
Nangal Township, Distt. Ropar

... Respondent

APPEARANCES

For the Workman : Shri R.K. Singh
For the Management : Shri Bhagat Singh with
Shri V.K. Sharma

AWARD

Passed on 5-9-2008

Central Government, vide Notification No. L-23012/25/2002/IR (CM-II) dated 4-11-2003 has referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of BBMB Nangal Dam, Nangal in terminating the services of Shri Tarlochan Dass S/o Sh. Pohlo Ram w.e.f. 30-9-96 is legal and justified? If not, to what relief the workman is entitled?"

2. The present reference was made by the Central Government on the failure of conciliation proceedings for adjudication of the matter referred in the schedule referred above and the workman prayed for declaring the action of the management as illegal and invalid and for reinstatement in service with full back wages and all consequential benefits in the interest of justice, equity and fair play.

3. The management turned up and opposes this application.

4. As per office memorandum dated 30-4-08, this case was fixed in pre lok adalat meeting on 5-9-08 for its disposal by adopting the mediation and conciliation mechanism. With the efforts of the Tribunal, Sh. R.K. Singh representative of workman and representative of the management made the statement that it has been agreed upon between the workman and the management of BBMB that as per circular letter No. 3624-43-RR/R/406/99/Vol III R-5, dated 21-3-91 and the policy of the BBMB and the case of the workman will be considered within a reasonable time and the workman withdraws the present reference in Lok Adalat. In view of the above, the present reference is disposed off in Lok Adalat as settled. Central Government be informed.

Chandigarh

5-9-2008

G. K. SHARMA, Presiding Officer

नई दिल्ली, 22 सितम्बर, 2008

का.आ. 2913.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.बी. एम.बी. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 1, चण्डीगढ़ के पंचाट (संदर्भ सं. 185/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-9-2008 को प्राप्त हुआ था।

[सं. एल-23012/25/2002-आईआर(सीएम-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 22nd September, 2008

S.O. 2914. In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 193/2003) of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Chandigarh, as shown in the Annexure, in the industrial dispute between the management of B.B.M.B., and their workman, received by the Central Government on 22-9-2008.

[No. L-23012/19/2002-IR(CM-II)]
AJAY KUMAR GAUR, Desk Officer

ANNEXURE

**BEFORE SHRI RAJESH KUMAR, PRESIDING
OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT
NO. 1, CHANDIGARH**

Case No. I.D. 193/2003

Sh. Kuldeep C/o Sh. R.K. Singh Parmar,
211-L, Brari, P.O. Partap Nagar,
Nangal Dam, Distt. Ropar Applicant

Versus

The Chief Engineer, BBMB,
Nangal Township, Distt. Ropar Respondent

APPEARANCES

For the Workman : Shri R.K. Singh
For the Management : Shri Bhagat Singh with
Shri V.K. Sharma

AWARD

Passed on 5-9-2008

Central Government, vide Notification No. 1-23012/19/2002/IR (CM-II) dated 4-11-2003 has referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of BBMB Nangal Dam, Nangal in terminating the services of Shri Kuldeep S/o Sh. Madan Lal w.e.f. 30-9-96 is legal and justified? If not, to what relief the workman is entitled?"

2. The present reference was made by the Central Government on the failure of conciliation proceedings for adjudication of the matter referred in the schedule referred above and the workman prayed for declaring the action of the management as illegal and invalid and for reinstatement in service with full back wages and all consequential benefits in the interest of justice, equity and fair play.

3. The management turned up and opposes this application.

4. As per office memorandum dated 30-4-08, this case was fixed in pre lok adalat meeting on 5-9-08 for its disposal by adopting the mediation and conciliation mechanism. With the efforts of the Tribunal, Sh. R.K. Singh representative of workman and representative of the management made the statement that it has been agreed upon between the workman and the management of BBMB that as per circular letter No. 3624-43/R&R/466/99/Vol.III/R-5, dated 21-3-01 and the policy of the BBMB and the case of the workman will be considered within a reasonable time and the workman withdraws the present reference in Lok Adalat. In view of the above, the present reference is disposed off in Lok Adalat as settled. Central Government be informed.

Chandigarh

5-9-2008

G. K. SHARMA, Presiding Officer

नई दिल्ली, 22 सितम्बर, 2008

का.आ. 2915.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.बी.एम.बी. के प्रबंधन के संवद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 1, चण्डीगढ़ के पंचायत (संदर्भ सं. 189/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-9-2008 को प्राप्त हुआ था।

[सं. एल-23012/22/2002-आईआर(सीएम-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 22nd September, 2008

S.O. 2915.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 189/2003) of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Chandigarh, as shown in the Annexure, in the industrial dispute between the management of B.B.M.B., and their workman, received by the Central Government on 22-9-2008.

[No. L-23012/22/2002-IR(CM-II)]
AJAY KUMAR GAUR, Desk Officer

ANNEXURE

**BEFORE SHRI RAJESH KUMAR, PRESIDING
OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT
NO. 1, CHANDIGARH**

Case No. I.D. 189/2003

Sh. Parkash Chand C/o Sh. R.K. Singh Parmar,
211-L, Brari, P.O. Partap Nagar,
Nangal Dam, Distt. Ropar Applicant

Versus

The Chief Engineer, BBMB,
Nangal Township, Distt. Ropar, RoparRespondent

APPEARANCES

For the Workman : Shri R.K. Singh
For the Management : Shri Bhagat Singh with
Shri V.K. Sharma

AWARD

Passed on 5-9-2008

Central Government, vide Notification No. L-23012/22/2002-IR (CM-II) dated 30-10-2003 has referred the following Dispute to this Tribunal for adjudication :

"Whether the action of the management of BBMB, Nangal Dam in terminating the services of Shri Parkash Chand S/o Sh. Batra Ram w.e.f. 30-9-96 is legal and justified? If not, to what relief the workman is entitled?"

2. The present reference was made by the Central Government on the failure of conciliation proceedings for adjudication of the matter referred in the schedule referred above and the workman prayed for declaring the action of the management as illegal and invalid and for reinstatement in service with full backwages and all consequential benefits in the interest of justice, equity and fair play.

3. The management turned up and opposes this application.

4. As per office memorandum dated 30-4-08, this case was fixed in pre Lok Adalat meeting on 5-9-08 for its disposal by adopting the mediation and conciliation mechanism. With the efforts of the Tribunal, the Sh. R.K. Singh representative of workman and representative of the management made the statement that it has been agreed upon between the workman and the management of BBMB that as per circular letter No. 3624-43/R&R/466/99/Vol.III/R-5, dated 21-3-01 and the policy of the BBMB and the case of the workman will be considered within a reasonable time and the workman withdraws the present reference in Lok Adalat. In view of the above, the present reference is disposed of in Lok Adalat as settled. Central Government be informed.

Chandigarh

5-9-2008

G. K. SHARMA, Presiding Officer

नई दिल्ली, 22 सितम्बर, 2008

का.आ. 2916.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एफ.सी.आई. के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 1, चण्डीगढ़ के पंचाट (संदर्भ सं. 243/2001)

को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-9-2008 को प्राप्त हुआ था।

[सं. एल-22012/217/2000-आईआर(सी-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 22nd September, 2008

S.O. 2916.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 243/2001) of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Chandigarh, as shown in the Annexure, in the Industrial dispute between the employee, in relation to the management of FCI and their workman, which was received by the Central Government on 22-9-2008.

[No. L-22012/217/2000-IR(C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

**BEFORE SHRI GYANENDRA KUMAR SHARMA,
PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT
NO. 1, CHANDIGARH**

Case No. I.D. 243/2001

Sh. Jagir Singh S/o Sh. Arjun Singh,
Mohalla Sandhu, Kanda DharamkotApplicant

Versus

- (1) The Senior Regional Manager,
Food Corporation of India,
Sector-34, Chandigarh
- (2) The Asstt. Manager (D),
Food Corporation of India, Dharamkot ...Respondent

APPEARANCES

For the Workman : None
For the Management : Shri N.K. Zakhmi, Advocate

AWARD

Passed on 9-9-2008

Central Government, vide Notification No. L-22012/217/2000-IR (C-II) dated 14-6-2001 has referred the following Dispute to this Tribunal for adjudication :

"Whether the action of the management of FCI in terminating the services of Sh. Jagir Singh S/o Sh. Arjun Singh is legal and justified? If not, to what relief Sh. Jagir is entitled to?"

2. No one present, on behalf of workman. Learned representative of the management Shri N.K. Zakhmi is present. Since morning this reference has been called number of times. At 10.45 a.m., it was ordered to be placed

before this Tribunal once again at 2 p.m. it is 2.58 p.m. and on repeated calls no one is present, in spite of having full knowledge of the proceedings of this reference. The reference is as old as referred to this Tribunal in the year 2001. On repeated calls since morning no one is present. Accordingly, the reference is dismissed in default of prosecution. Central Government be informed accordingly. File to be consigned.

Chandigarh

9-9-2008

C. K. SHARMA, Presiding Officer

नई दिल्ली, 22 सितम्बर, 2008

का.आ. 2917.— औद्योगिक विवाद अर्धनियम, 1947 (1947 का 14) की धारा 17 के अनुसार में, केंद्रीय सरकार को, सी.आई. के प्रयोजन को स्पष्ट निर्देशकों और उनके कर्मचारियों बीच, अनुसूच में निर्दिष्ट आदेशों के विवाद में केंद्रीय सरकार औद्योगिक अधिकरण नं. 1, चण्डीगढ़ के विचार में धारा 187 (1947) को प्रकाशित करती है, जो केंद्र सरकार को 22-9-2008 को प्राप्त हुआ था।

[सं. एल. 22012/228-2000-आईएम सीएम-113]

अजय कुमार गौड़, डेप्टी अधिकारी

New Delhi, the 22nd September, 2008

S.O. 2917.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ret. No. 187/2003) of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Chandigarh, as shown in the Annexure, in the Industrial dispute between the employers/management to the management of B.L. and their workmen, which was received by the Central Government on 22-9-2008.

[No. 22012/228-2000-Industrial Disputes Act-113]
AJAY KUMAR GAUR, Deputy Officer

ANNEXURE

BEFORE SHRI C. K. CHANDRA KUMAR SHARMA,
PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT
NO. 1, CHANDIGARH

Case No. I.D. 185/2001

Sh. Dara Singh vs. Sh. Lachhman Singh,
Village and Post Office Pinda,
Tehsil Zirai, District Muker

11 April 2001

Versus

(1) The Senior Regional Manager,
Food Corporation of India
Sector-34 Chandigarh

(2) The Asstt. Manager (D).

APPEARANCES

For the Workman : : : : : None

For the Management : : : : : Shri N.K. Zakhani, Advocate

AWARD

Passed on 9-9-2008

Central Government's Notification No. I-22012/228-2000/IR (C-II) dated 18-9-2001 has referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of FCI in terminating the services of Sh. Dara Singh & Sh. Lachhman Singh is legal and justified? If not to what relief the workmen is entitled to?"

2. No one is present in the morning of 9-9-2008. A named representative of the workmen is not present. Since morning this reference is pending in the Chamber of fines. At 10.45 a.m., it was ordered that it be held before this Tribunal once again at 2 p.m. it is 2.58 p.m. and on repeated calls no one is present, in spite of having full knowledge of the proceedings of this reference. The reference is as old as referred to this Tribunal in the year 2001. On repeated calls since morning no one is present. Accordingly, the reference is dismissed in default of prosecution. Central Government be informed accordingly. File to be consigned.

Chandigarh

9-9-2008

C. K. SHARMA, Presiding Officer

नई दिल्ली, 22 सितम्बर, 2008

का.आ. 2918.— औद्योगिक विवाद अर्धनियम, 1947 (1947 का 14) की धारा 17 के अनुसार में, केंद्रीय सरकार को, सी.आई. के प्रयोजन को स्पष्ट निर्देशकों और उनके कर्मचारियों बीच, अनुसूच में निर्दिष्ट आदेशों के विवाद में केंद्रीय सरकार औद्योगिक अधिकरण नं. 1, चण्डीगढ़ के विचार में धारा 187 (1947) को प्रकाशित करती है, जो केंद्र सरकार को 22-9-2008 को प्राप्त हुआ था।

[सं. एल. 22012/228-2000-आईएम सीएम-113]

अजय कुमार गौड़, डेप्टी अधिकारी

New Delhi, the 22nd September, 2008

S.O. 2918.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ret. No. 187/2003) of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Chandigarh, as shown in the Annexure, in the Industrial dispute between the management of B.B.M.B. and their workmen, which was received by the Central Government on 22-9-2008.

[No. 22012/228-2002-JR(CM-II)]

ANNEXURE

नई दिल्ली, 22 सितम्बर, 2008

**BEFORE SHRI RAJESH KUMAR, PRESIDING
OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT
NO. 1, CHANDIGARH
Case No. I.D. 187/2003**

Sh. Nanak Chand C/o Sh. R.K. Singh Parmar,
211-L, Brari, P.O. Partap Nagar,
Nangal Dam, Distt. Ropar ... Applicant

Versus

The Chief Engineer, BBMB,
Nangal Township, Distt. Ropar ... Respondent

APPEARANCES

For the Workman : Shri R.K. Singh
For the Management : Shri Bhagat Singh with
Shri V.K. Sharma

AWARD

Passed on 5-9-2008

Central Government, vide Notification No. L-23012/
23/2002/IR (CM-II) dated 4-11-2003 has referred the
following dispute to this Tribunal for adjudication :

"Whether the action of the management of BBMB,
Nangal Dam in terminating the services of Shri
Nanak Chand S/o Sh. Pohlo Ram w.e.f. 30-9-96 is
legal and justified? If not, to what relief the workman
is entitled?"

2. The present reference was made by the Central
Government on the failure of conciliation proceedings for
adjudication of the matter referred in the schedule referred
above and the workman prayed for declaring the action of
the management as illegal and invalid and for reinstatement
in service with full backwages and all consequential benefits
in the interest of justice, equity and fair play.

3. The management turned up and opposes this
application.

4. As per office memorandum dated 30-4-08, this
case was fixed in pre lok adalat meeting on 5-9-08 for its
disposal by adopting the mediation and conciliation
mechanism. With the efforts of the Tribunal, Sh. R.K. Singh
representative of workman and representative of the
management made the statement that it has been agreed
upon between the workman and the management of BBMB
that as per circular letter No. 3624-43/R&R/466/99/Vol.III/
R-5, dated 21-3-01 and the policy of the BBMB and the
case of the workman will be considered within a reasonable
time and the workman withdraws the present reference in
Lok Adalat. In view of the above, the present reference is
disposed of in Lok Adalat as settled. Central Government
be informed.

Chandigarh : 5-9-2008

G. K. SHARMA, Presiding Officer

का.आ. 2919.—औद्योगिक विवाद अधिनियम, 1947
(1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एफ.
सी.आई. के प्रबंधन को संबद्ध नियोजकों और उनके कर्मचारों के
बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक
अधिकरण नं. 1, चण्डीगढ़ के पंचाट (संदर्भ सं. 295/2000) को
प्रकाशित करती है, जो केन्द्रीय सरकार को 22-9-2008 को प्राप्त
हुआ था।

[सं. एल-22012/1/2000-आईआर(सी-1)]
अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 22nd September, 2008

S.O. 2919.—In pursuance of Section 17 of the
Industrial Disputes Act, 1947 (14 of 1947), the Central
Government hereby publishes the award (Ref. No. 295/
2000) of the Central Government Industrial Tribunal-cum-
Labour Court No. 1, Chandigarh, as shown in the Annexure,
in the Industrial dispute between the employers in relation
to the management of FCI and their workman, which was
received by the Central Government on 22-9-2008.

[No. L-22012/1/2000-IR(C-II)]
AJAY KUMAR GAUR, Desk Officer

ANNEXURE

**BEFORE SHRI GYANENDRA KUMAR SHARMA,
PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT
NO. 1, CHANDIGARH
Case No. I.D. 295/2000**

The District Chairman,
Food Corporation of India,
Executive Staff Union,
Distt. Committee, Hoshiarpur, (Pb.) ... Applicant

Versus

The District Manger, FCI,
Distt. Office, Hoshiarpur, (Pb.) ... Respondent

APPEARANCES

For the Workman : Workman in person
For the Management : Rajesh Kumar

AWARD

Passed on 5-9-2008

Central Government, vide Notification No. L-22012/
1/2000/IR (CM-II) dated 4-8-2000 has referred the following
dispute to this Tribunal for adjudication :

"Whether the action of Zonal Manager (N), FCI,
New Delhi and Distt. Manager, FCI, Hoshiarpur in
not promoting Sh. Gurnam Singh, AG III (D) w.e.f.
26-12-92 when his juniors were promoted is just and
legal? If not, to what relief the workman Sh. Gurnam
Singh is entitled and from which date?"

2. The present reference was made by the Central Government on the failure of conciliation proceedings for adjudication of the matter referred in the schedule referred above and the workman prayed for declaring the action of the management as illegal and invalid.

3. The management turned up and opposes this reference.

4. As per office memorandum dated 30-4-08, this case was fixed in pre lok adalat meeting on 5-9-08 for its disposal by adopting the mediation and conciliation mechanism. The workman Shri Gurnam Singh made a statement that he does not want to press the reference and withdraw the same in Lok Adalat. Accordingly the reference is returned to the Central Government as withdrawn in Lok Adalat. Central Government be informed. File be consigned to record.

Chandigarh : 5-9-2008

G. K. SHARMA, Presiding Officer

नई दिल्ली, 22 सितम्बर, 2008

का.आ. 2920. औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.बी.एम.बी. के प्रबंधन के संवेद नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 1, चण्डीगढ़ के पंचाट (संदर्भ सं. 191/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-9-2008 को प्राप्त हुआ था।

[सं. एल-23012/17/2002-आईआर(सीएम-11)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 22nd September, 2008

S.O. 2920. In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 191/2003) of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Chandigarh, as shown in the Annexure, in the Industrial dispute between the management of B.B.M.B., and their workman, received by the Central Government on 22-9-2008.

[No. L-23012/17/2002-(R/CM-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE SHRI RAJESH KUMAR, PRESIDING
OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT
NO. 1, CHANDIGARH

Case No. I.D. 191/2003

Sh. Mohinder Singh C/o Sh. R.K. Singh Parmar,
211-L, Brari, P.O. Punjap Nagar,
Nangal Dam, Distt. Rupar

.. Applicant

Versus

The Chief Engineer, BBMB,
Nangal Township, Distt. Rupar

....Respondent

APPEARANCES

For the Workman : Shri R.K. Singh
For the Management : Shri Bhagat Singh with
Shri V.K. Sharma

AWARD

Passed on 5-9-2008

Central Government, vide Notification No. L-23012/17/2002/IR (CM-II) dated 4-11-2003 has referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of BBMB, Nangal Dam in terminating the services of Shri Mohinder Singh S/o Sh. Ram Asra w.e.f. 30-9-96 is legal and justified? If not, to what relief the workman is entitled?"

2. The present reference was made by the Central Government on the failure of conciliation proceedings for adjudication of the matter referred in the schedule referred above and the workman prayed for declaring the action of the management as illegal and invalid and for reinstatement in service with full backwages and all consequential benefits in the interest of justice, equity and fair play.

3. The management turned up and opposes this application.

4. As per office memorandum dated 30-4-08, this case was fixed in pre lok adalat meeting on 5-9-08 for its disposal by adopting the mediation and conciliation mechanism. With the efforts of the Tribunal, Sh. R.K. Singh representative of workman and representative of the management made the statement that it has been agreed upon between the workman and the management of BBMB that as per circular letter No. 3624-43/R&R/466/99/Vol.III/R-5, dated 21-3-01 and the policy of the BBMB and the case of the workman will be considered within a reasonable time and the workman withdraws the present reference in Lok Adalat. In view of the above, the present reference is disposed of in Lok Adalat as settled. Central Government be informed.

Chandigarh : 5-9-2008

G. K. SHARMA, Presiding Officer

नई दिल्ली, 22 सितम्बर, 2008

what relief Sh. Jagir Singh is entitled to?"

का.आ. 2921.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार एफ.सी. आई. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं.-1, चण्डीगढ़ के पंचाट (संदर्भ सं. 195/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-9-2008 को प्राप्त हुआ था।

[सं. एल-22012/260/2000-आई.आर.(सी-11)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 22nd September, 2008

S.O. 2921.—In pursuance of Section 17 of the Industrial Disputes Act, 1947(14 of 1947), the Central Government hereby publishes the award (Ref. No. 195/2001) of the Central Government Industrial Tribunal-cum-Labour Court No.-1, Chandigarh as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of FCI and their workman, which was received by the Central Government on 22-9-2008.

[No. L-22012/260/2000-IR(C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

**BEFORE SHRI GYANENDRA KUMAR SHARMA,
PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-1,
CHANDIGARH**

Case No. ID 195/2001

Sh. Yusuf Mohammad S/o Shri Saraj Mohammad, Village
Vahbiwal, Tehsil Zira, Dharamkot. ...Applicant

Versus

(1) The Senior Regional Manager, Food Corporation of
India, Sector-34, Chandigarh

(2) The Asstt. Manager (D), Food Corporation of India,
Dharamkot. ...Respondent

APPEARANCES

For the workman : None

For the management : Shri N.K. Zakhmi

AWARD

Passed on 9-9-2008

The Central Government vide Notification No. L-22012/260/2000-IR(C-II) dated 25-4-2001, has referred the following dispute to this Tribunal for adjudication :

"Whether the action of the Management of FCI in terminating the services of Sri Yusuf Mohammad S/o Shri Saraj Mohammad is legal and justified? If not, to

2. No one is present, on behalf of workman. Learned representative of the management Shri N.K. Zakhmi is present. Since morning this reference has been called number of times. At 10.45 a.m., it was ordered to be placed before this Tribunal once again at 2 p.m. It is 2.30 now and on repeated calls no one is present, in spite of having of full knowledge of the proceedings of this reference. The reference is as old as referred to this Tribunal in the year 2001. On repeated calls since morning no one is present. Accordingly, the reference is dismissed in default for non-prosecution. Central Government be informed accordingly. File to be consigned.

Chandigarh

9-9-2008

G.K. SHARMA, Presiding Officer

(नई दिल्ली, 23 सितम्बर, 2008)

का.आ. 2922.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बी.बी. एम.बी. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 1, चण्डीगढ़ के पंचाट (संदर्भ सं. 53/1999) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-9-2008 को प्राप्त हुआ था।

[सं. एल-23012/48/1998-आई.आर.(सी-11)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 23rd September, 2008

S.O. 2922.—In pursuance of Section 17 of the Industrial Disputes Act, 1947(14 of 1947), the Central Government hereby publishes the award (Ref. No. 53/1999) of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Chandigarh as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of BBMB and their workman, which was received by the Central Government on 23-9-2008.

[No. L-23012/48/1998-IR(C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

**BEFORE SHRI GYANENDRA KUMAR SHARMA,
PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-1,
CHANDIGARH**

Case No. ID 53/1999

Sh. Basan Ram son of Shri Phanno Ram C/o Shri R.K. Singh Farmer, Vice President Punjab, INTUC, 211-L Brari, Post Office Partapnagar, Nangal Dam, District Ropar
...Applicant

Versus

(1) The Chief Engineer System Operation BBMB, Sector 19-B, Chandigarh

(2) The Resident Engineer, Dehar Power House Division, BBMB (Power Wing) Slapper (H. P.) ...Respondent

APPEARANCES

For the workman : None

For the management : Rajinder Singh

AWARD

Passed on 19-6-2008

The Central Government vide Notification No. L-23012/48/1998-IR(CM-II) dated 17-2-1999, has referred the following dispute to this Tribunal for adjudication :

"Whether the action of the Chief Engineer, System Operation Bhakra Beas Management Board, Chandigarh and Resident Engineer, Dehar Power House Division, Bhakra Beas Management Board (Power Wing) Salaper Township (HP) in terminating the services of Shri Besan Ram S/o Shri Phanna Ram w.e.f. 28-2-1993 and 31-5-1995 and not re-engaging him while retrenches of Beas construction Board were given employment is just and legal? If not, to what relief is the workman entitled?"

2. No one is present, on behalf of the workman even after notice by this Tribunal and workman also fails to ensure his presence. Accordingly, the reference is returned to the Central Government for want of prosecution by the workman. Central Government be informed. File be consigned to record.

Announced.
19-6-2008

G.K. SHARMA, Presiding Officer

नई दिल्ली, 24 सितम्बर, 2008

का.आ. 2923.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) को धारा 17 के अनुसरण में केंद्रीय सरकार सिण्डीकेट बैंक के प्रबंधन के संयुक्त नियोजकों और उनके कर्मचारियों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केंद्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, चण्डीगढ़ के पंचाट (संदर्भ सं. 77/1997) को प्रकाशित करती है, जो केंद्रीय सरकार का 24-9-2008 को प्राप्त हुआ था।

[सं. एल-12012/434/1995-आई.आर.(बी-1)]

राजिन्द्र कुमार, डेस्क अधिकारी

New Delhi, the 24th September, 2008

S.O. 2923. -In pursuance of Section 17 of the Industrial Disputes Act, 1947(14 of 1947), the Central Government hereby publishes the award (Ref. No. 77/1997) of the Central Government Industrial Tribunal-cum-Labour Court, No. 1, Chandigarh as shown in the Annexure, in the

Industrial Dispute between the employers in relation to the management of Syndicate Bank and their workmen, which was received by the Central Government on 24-9-2008.

[No. L-12012/434/1995-IR(B-II)]
RAJINDER KUMAR, Desk Officer

ANNEXURE

**BEFORE SHRI GYANENDRA KUMAR SHARMA,
PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-1,
CHANDIGARH**

Case No. ID 77/1997

Sh. Mangu Ram, S/o Sh. Pali Ram, Yadvindra Colony, Kothi No. 53, Malva Cinema, Patiala, Punjab ...Applicant

Versus

Regional Manager, Syndicate Bank, Bank Square, Sector 17, Chandigarh ...Respondent

APPEARANCES

For the workman : Shri R.P. Rana

For the management : None

AWARD

Passed on 10-9-2008

Government of India vide Notification No. L-12012/434/1995/IR(B.II) dated 30-12-1996, has referred the following Industrial Dispute for judicial adjudication :

"Whether the action of the Management of Syndicate Bank in terminating the services of Shri Mangu Ram S/o Shri Pali Ram w.e.f. 15-6-1995 is legal and justified? If not, to what relief the concerned workman is entitled and from what date."

As per the averments of statement of claim, it is clear that workman has approached to this Tribunal in this reference with the facts that he was employed as Safai Sewak by the management of respondent bank on 20-8-1992 in Patiala Branch and his services were retrenched on 27-9-1996. The services of the workman were earlier terminated on 15-6-1995 and during the proceedings of the reference, he was provided the employment with full back wages. Thereafter, he was again retrenched. The same facts have been admitted by the management of bank in its written statement that Sh. Mangu Ram worked as Safai Karamchhari between 24-8-1992 to 14-6-1995 on different dates as and when he was entrusted the work on temporary basis. Vide branch letter dated 22-6-1996, Sh. Mangu Ram was re-employed as part time Sweeper and he joined the branch in the forenoon on the 27-8-1996. He was retrenched from the service of the bank on 26-9-1996 with effect from 27-9-1996, after giving one month notice on 27-8-1996 against his acknowledgement as required under Clause (a) of Section 25-F of the Industrial Disputes Act, 1947. He was retrenched

as he has become surplus and there was no sufficient work for the 2 part time Sweepers in the branch.

Both of the parties were afforded the opportunity for adducing evidence. Sh. Mangu Ram vide his affidavit stated that the act of providing job on 27-8-1996 was just to escape from the legal consequences on account of his illegal termination on 15-6-1995, which amounts to unlawful labour practices. On the point of unlawful labour practices, he was not cross-examined at all. In his cross-examination, only one question was asked by the learned representative of the management of bank that affidavit of workman is wrong to which the workman denied.

The main question for determination before this Tribunal is whether the retrenchment compensation given by the bank under the circumstances prevailing in this reference is justified?

For the purpose of answering this reference that whether action of the management in terminating the services of the workman for 15-6-1995 is justified? The answer has been put into the mouth of this Tribunal by way of the conduct of the management by offering him the re-employment. Thus, the conduct by offering re-employment itself shows that the termination of the workman from 15-6-1995 was not legal and justified. The Management of the bank, on the very day, the workman joined the bank on re-employment gave him one month notice and after retrenchment compensation his services were terminated. Thus, act of management certainly amounts to unlawful labour practices because it was not done with intention to provide the job to the workman but to escape from the legal liability which the management be directed by this Tribunal to undertake under the provision of Industrial Disputes Act. Thus, the retrenchment compensation has no legs to stand under these circumstances in which it was paid in the present case on account of being unlawful labour practices. The termination of the workman remains unlawful and not justified.

Now the Tribunal has to decide as to what relief the workman is entitled? Under such circumstances the two possible relief are possible,

1. Direction by the Tribunal to provide the job of the workman on the same terms and conditions on which he was retrenched, and
2. A reasonable compensation to be awarded to the workman.

In this case, it has come to the notice of this Tribunal that 2 permanent and one part-time Sweeper are already working with the bank and there is no sufficient work for the second part-time Sweeper. So in such type of cases a reasonable compensation may be an appropriate remedy. Thus Tribunal has got the powers to provide the reasonable compensation in appropriate cases as held by Hon'ble the Apex Court in the following cases :-

1. Jaipur Development Authority vs. Ram and another, 2006 (111), FLR 1178, SC,
2. Madhya Pradesh Administration vs. Tribunal, 2007 (113) FLR 886, Supreme Court 3,
3. Uttarakhand Forest Development Corporation vs. M.C. Joshi 2007 (113) FLR 191 Supreme Court.

All the above mentioned case laws have been discussed by Hon'ble the Apex Court in Sita Ram and Another vs. Motilal Nehru Farmers Training Institute, 2008 (117) FLR 1191 in which the Hon'ble Apex Court has also awarded the compensation instead of reinstatement of the workman into the service.

Thus, considering all the facts and circumstances of the case and also considering that some amount of retrenchment compensation has been given to the workman which he has not received but was transferred to his saving bank account, I am of the view that Rs. 25,000 will be an appropriate amount of compensation to be given to the workman. Accordingly, the management of the bank is directed to deposit Rs. 25000 in the Tribunal as the compensation to be given to Sh. Mangu Ram, the workman. If the management of the bank fails to deposit the amount within one month from the date of the publication of the Award, the workman will be entitled for the interest at the rate of 7% per annum from the date of the passing of this award till the final payment.

Accordingly, the reference is answered. Central Government be informed. File be consigned.

G. K. SHARMA, Presiding Officer

नई दिल्ली, 24 सितम्बर, 2008

का.आ. 2924.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार यूको बैंक के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, चण्डीगढ़ के पंचाट (संदर्भ सं. 11/2003) को प्रकाशित करती है, कि केन्द्रीय सरकार को 24-9-2008 को प्राप्त हुआ था।

[सं. एल-12011/175/2002-आईआर(बी-11)]

राजिन्दर कुमार, डेस्क अधिकारी

New Delhi, the 24th September, 2008

S.O. 2924.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 11/2003) of the Central Govt. Industrial Tribunal-cum-Labour Court, No. 1, Chandigarh as shown in the Annexure, in the industrial dispute between the management of UCO Bank and their workmen, received by the Central Government on 24-9-2008.

[No. L-12011/175/2002-IR(B-11)]

RAJINDER KUMAR, Desk Offr

ANNEXURE

**BEFORE SHRI GAYANENDRA KUMAR SHARMA,
PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-1,
CHANDIGARH**

Case No. 17/11/2003

The State Secretary UCO Bank Employees Association,
Haryana State Committee, C/o UCO Bank Extension Counter
Saini Sr. Sec. School, Rohtak ... Applicant

Versus

The Zonal Manager, UCO Bank, Zonal Office, Sector 17-B,
Chandigarh-160017 ... Respondent

APPEARANCES

For the workman : Workman with Shri A.N. Verna

For the management : Shri K.K. Kaushik

AWARD

Passed on 5-9-2008

Central Government vide Notification No. 1-12011/175/2002-PR(M-1) dated 29-11-2002, has referred the following dispute to this Tribunal for adjudication :

"Whether the action of the Asstt. General Manager, UCO Bank, Regional Office, Chandigarh in transferring Shri R. K. Taluja Clerk from Rohtak Branch Office to Chhara Branch Office within a period of 3 weeks is bona fide and just? Whether this action of the management is "Unfair Labour Practice" as per Clause 7 of Schedule VII of the Act? If not, what relief the workman is entitled to?"

2. The present reference was made by the Central Government on the failure of conciliation proceedings for adjudication of the matter referred in the schedule referred above and the workman prayed for declaring the action of the management as illegal and invalid.

The management turned up and opposes this reference.

As per the office memorandum dated 30-4-2008, this case was fixed in pre Lok Adalat meeting on 5-9-2008 for its disposal by adopting the mediation and conciliation mechanism. The workman and Shri K.K. Kaushik for the management made a statement that workman and the management of UCO Bank has agreed that at present Shri R.K. Taluja shall remain in Rohtak but in exigencies of work, his transfer on administrative ground is required, he will be transferred strictly as per guidelines relating to the physically handicapped. In view of the above, settlement, the workman union withdraws this reference in Lok Adalat. Accordingly the reference is returned to the Central Government as settled in Lok Adalat. Central Government be informed. File be consigned to record.

Chandigarh
5-9-2008

G.K. SHARMA, Presiding Officer

नई दिल्ली, 24 सितम्बर, 2008

का.आ. 2925.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार सैन्ट्रल बैंक ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, ईरनाकुलम के पंचाट (संदर्भ सं. 134/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-9-2008 को प्राप्त हुआ था।

[सं. एन. 12011/24/2004-आई.आर.(बी-II)]

राजिन्द्र कुमार, डेस्क अधिकारी

New Delhi, the 24th September, 2008

S.O. 2925.— In pursuance of Section 17 of the Industrial Disputes Act, 1947(14 of 1947), the Central Government hereby publishes the Award (Ref. No. 134/2006) of the Central Govt. Industrial Tribunal-cum-Labour Court, Ernakulam as shown in the Annexure, in the industrial dispute between the management of Central Bank of India and their workman, received by the Central Government on 24-9-2008.

[No. L-12011/24/2004-1R(B-II)]

RAJINDER KUMAR, Desk Officer

ANNEXURE

**IN THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, ERNAKULAM**

PRESENT : Shri P.L. Norbert, B.A., LL.B., Presiding
Officer

I. D. 134/2006

(I. D. 35/2004 of Industrial Tribunal, Kollam)

Union : The General Secretary,
Central Bank of India Employees
Union, C/o. Central Bank of India,
Main Branch, M.G. Road,
Thiruvananthapuram-695 001.

By Adv. Sri Manoj R. Nair.

Management : The Regional Manager,
Central Bank of India, Regional
Office, P.B. No. 98, Gopal Building,
Thyvila Road, Thiruvananthapuram-
695 001.

By Adv. Sri V.V. Siddharthan.

This case coming up for hearing on 26-6-2008, this Tribunal-cum-Labour Court on 30-6-2008 passed the following.

AWARD

This is reference made under Section 10(1)(d) of Industrial Disputes Act. The reference is :—

"Whether the action of the management of the Central Bank of India in imposing punishment of compulsory retirement with superannuation benefits of Shri P.M.

Unnichekkann, Teller of Kalanjoor Branch of the Bank w.e.f. 5-8-2002 is justified? If not, what relief Sh. Unnichekkann is entitled to?

2. The facts of the case in brief are as follows:—

Sri P.M. Unnichekkann was a Teller of Kalanjoor Branch of Central Bank of India. On 12-4-2001 he was given a memo alleging that he had withdrawn an amount of Rs. 34,000 from the S. B. Accounts of 4 customers on different dates without the knowledge of customers by forging their signatures on different dates and without entering the withdrawal in their pass books. A charge sheet was issued to him which was followed by domestic enquiry. In the enquiry he was found guilty of the charge of fraudulent withdrawal of money from customers' account and misappropriating it. There was another charge regarding making false statements in documents connected with his employment. That charge was found not proved.

3. According to the workman he had not done the alleged acts. But he had borrowed some money from customers for the purpose of the treatment of his wife. He was not able to repay the amounts within time. That could be reason why the customers complained. He would challenge the findings of Enquiry Officer as well as the verdict of the disciplinary authority and appellate authority. The disciplinary authority deviated from the findings of the Enquiry Officer. But the workman was not heard by the disciplinary authority before recording a different finding. There is no evidence to substantiate the case of the management regarding fraudulent withdrawal. A preliminary investigation was conducted by an officer of the bank. However it was not produced in the enquiry. Had it been produced it would have brought out the truth. At any rate the punishment imposed is illegal and disproportionate. The workman is entitled to be re-instated.

4. According the management there is clinching evidence in the enquiry to prove that the workman has committed the misconduct. The workman did not enter the withdrawal in the pass book of the customers with the intention of misappropriating money. The Disciplinary Authority as well as the Appellate Authority have properly analysed the evidence before recording their conclusions. The preliminary investigation report was not relied on by the management and hence its non-production cannot affect the enquiry. The punishment was imposed in proportion to the gravity of the misconduct. The story of borrowing money from customers for the treatment of wife of the workman is not substantiated by the workman and it is an unbelievable story. The Enquiry Officer conducted the enquiry fully complying with principles of natural justice and the workman was given full opportunity to defend. There is no ground for interfering with the findings or punishment.

5. The points that arise for consideration are:—

1. Whether the findings are sustainable?
2. Is the punishment proportionate?

The evidence consists of the Enquiry File Ext. M1 alone on the side of Management.

6. Point No. 1:— In the enquiry 5 witnesses were examined on the side of the management and they are MW1,

2, 5, 9 and 10. The remaining witnesses in the list were not examined. Exts. ME-1 to ME-57 documents were also marked. On defence side workman was examined as DW 1 and documents Exts. DE-1 to 5 were marked.

7. The main argument of the learned counsel for the union is that the Disciplinary Authority had deviated from the findings of the Enquiry Officer with regard to charge No. 1 without hearing the workman. This vitiates the enquiry. What prompted the learned counsel for the union to submit so is because of the observation of the Enquiry Officer that among the management witnesses only MW9 had identified the signatures in the disputed withdrawal forms as that of the workman. But the same witness failed to identify the signature of workman in another withdrawal slip. Hence the enquiry officer did not find the witness reliable. Yet the workman was found guilty. Relying on the same set of evidence the Disciplinary Authority found the workman guilty. It is self evident from the submission that the Disciplinary Authority has not made any deviation from the findings of the Enquiry Officer. It is to be noted that apart from MW9, there are other witnesses and a number of documents, besides circumstances to prove the charge. The finding is not based on the testimony of MW9. The other objection that investigation report is not produced, cannot affect the enquiry as the management has not relied on that report.

8. The complaints were not examined as they were not interested to appear in the enquiry as they had already received the money. Charge No.2 was found not proved and it was accepted by the Disciplinary Authority. The finding regarding charge No. 1 was confirmed by the Disciplinary Authority. Thus there is no deviation from the findings of Enquiry Officer.

9. The next contention is that in view of the observation of the Enquiry Officer that none of the witnesses have identified the signature in the withdrawal slips as that of the workman, cuts at the very root of the case of the management and hence the entire findings regarding charge No. 1 should crumble down. The argument appears to be sound at first blush, but there is something beneath the gloss. The case of the management is that the workman had withdrawn amounts from the SB Accounts of 4 account holders on various occasions to the tune of Rs. 34,000. The account holders are Smt. Ponnamma Gopi, from whose account Rs. 19,000 was withdrawn on 12 different occasions. From the account of Smt. Ponnamma S. Nair Rs. 2,000 was withdrawn. From the account of Smt. Pankajakshy Amma and Shri P. Narayanan Nair an amount of Rs. 2,000 was withdrawn. From the account of Smt. Sheeja Beevi Rs. 8,000 was withdrawn on 5 occasions. From the account of Smt. P.G. Ramadevi and Sathyapalan Nair an amount of Rs. 3,000 was withdrawn on 2 different occasions. Thus withdrawals were made without entering them in the pass books of the account holders. However they are accounted in the ledger folios and Teller Daily Cash Payment Register. The withdrawal slips contain forged signatures of customers. This was done by the workman. Withdrawal slips are ME9 to 20, 23, 28 and 32 to 36, 40 and 41. The withdrawal slips are apparently signed by the account holders. But according

to the management signatures were forged by the workman. As pointed out by the Enquiry Officer except MW-10, no one else has identified signatures in the withdrawal slips as that of the workman. The Enquiry Officer has not taken the version of MW-10 to identify the signatures of other signatures in the withdrawal slips are not identical to that of the workman. Still he is not free from any reasonable doubt because there are other circumstances to support him. On various occasions amounts were withdrawn from the accounts of 5 customers. The withdrawals were entered in the ledger folios Exts.ME-6, 21, 25, 29 and 37 and in the Daily Cash Payment Register Ext.ME-43. The withdrawals are recorded in the register of withdrawals (Ext.31) and in recording such payments in the register of withdrawals without pass books the sanction of savings Bank Manager is necessary. That may be the reason why the withdrawals are not recorded in the Register of withdrawals. Withdrawals are made regarding disputed withdrawals in the pass books of customers. At the same time the workman continued for the treatment of his wife he had borrowed money from these customers and the withdrawals were made to the knowledge of the customers. However he was not able to repay the loans within the stipulated time and period. He was transferred on deputation to Pathanamthitta branch. The delay urged the customers to complain. But the fact is that he has done anything fraudulently. The amount of Rs. 35,000 was credited in his account in August 2003. The management was requested to adjust the amounts towards the accounts of 5 customers to make up the shortfall in their accounts.

10. The workman made an attempt to prove that his wife was ill by producing some medical certificates. At the same time the customers had made complaints to the bank which are Ext. 19 to 57 stating that the withdrawals in question were not done by them and the bank failed to make good the losses suffered by them. Subsequently during enquiry the presenting officer had sent notices to the account holders to appear as witnesses in the enquiry. But in the notices they made an endorsement stating that the workman had given them the amount withdrawn from their accounts and hence they have no complaint. The notices containing the endorsements are Exts ME-43 and 44. It is true that the complaints were not examined because they did not want to appear in the enquiry since they were satisfied as the amounts were repaid by the workman. However Ext. W-19 to 57 complaints and Ext. 43 and 44 endorsements in the notices was good enough to prove that the customers had not withdrawn the amounts on their respective dates and they had in fact, complained to the bank regarding withdrawals without their knowledge. The workman himself had admitted during the enquiry (Ext. DW1) that he had borrowed money from 5 customers on various dates. Those amounts were given to them to the customers by handing over withdrawal slips signed by them. The entries regarding withdrawals were not made in the pass books on the request of account holders and to the knowledge of their family members as well.

withdrawals. There was no reply in repaying the amounts and that is the reason why they complained to the bank. If the case of borrowing was the same story at least one of the account holders could have been examined by the workman. The management was not very particular to examine the complaint as there is documentary evidence to support their case. Besides the Branch Manager MW-10 had deposed before the Enquiry Officer that though pass books were provided by the customers twice they were not updated. The withdrawals were made during the period when the workman was the Teller. All these circumstances point to the guilt of the workman that the withdrawals were made fraudulently. There are no cogent and convincing reasons other than the findings of the Enquiry Officer regarding charge No. 1.

11. Charge No. 2 that the workman had made false statement connected with his employment. This charge itself is very vague and is not proved by the management. It is not known in which circumstances the workman had made a false statement. It was proved by the learned counsel for the union that unless the 2nd charge is proved, the first charge cannot stand. The argument is silly. Charge 1 and 2 are independent and not connected. Hence finding in one cannot affect the other. The finding is that the workman is not guilty of charge No. 2. This was accepted by the Disciplinary Authority.

For the reasons stated above, I find that the findings are sustainable and call for no interference.

12. Point No. 2. The punishment imposed is compulsory retirement with superannuation benefits and without disqualification from future employment falling under Clause 21 (iv) of both Bipartite Settlement dated 14-2-1995. According to the union the punishment is harsh and disproportionate. It can be noted that the misconduct of the workman is that he had fraudulently withdrawn amounts of different customers on various occasions. This cannot be treated simply by a banking institution. It affects the reputation of the bank and the customers will lose confidence in the bank. Hence the Management cannot be found fault for imposing stringent punishment. It is neither illegal nor disproportionate.

In the result, no award is passed finding that the action of the management of the Central Bank of India in imposing the punishment of compulsory retirement of the workman Sri P.M. Unnichakkan, Teller is legal and justified and he is not entitled for any relief.

The award will take effect one month after its publication in the Official Gazette.

Dictated to me, the Social Assistant, transcribed and typed by her, corrected and passed by me on this the 30th day of June, 2008.

(Sd/-) NORBERT, Presiding Officer

APPENDIX

Exhibit for the Management

M1 - Enquiry File against Sri P.M. Unnichakkan.

नई दिल्ली, 24 सितम्बर, 2008

का. आ. 2926.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार उत्तर रेलवे के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, लखनऊ के पंचाद (संदर्भ सं. 20/2008) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-9-2008 को प्राप्त हुआ था।

[सं. एल-41011/43/2007-आईआर(बी-1)]

बी. के. मनचन्दा, अनुभाग अधिकारी

New Delhi, the 24th September, 2008

S.O. 2926.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 20/2008) of the Central Government Industrial Tribunal-cum-Labour Court, Lucknow as shown in the Annexure, in the Industrial dispute between the management of Uttar Railway, and their workmen, which was received by the Central Government on 24-9-2008.

[No. L-41011/43/2007-IR(B-I)]

B. K. MANCHANDA, Section Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, LUCKNOW

Present: N.K. Purohit, Presiding Officer

I.D. No. 20/2008

Ref. No. L-41011/43/2007-IR(B-I) dated : 28-02-2008

BETWEEN

Mandal Sanghathan Mantri
Uttar Railway Karmchhari Union,
283/63 B, Garhi Kannora, Premwati Nagar
PO: Manak Nagar
Lucknow

And

Varishth Mandal Karmik Adhikari,
Uttar Railway, DRM Karyalya
Hazratganj, Lucknow

AWARD

By Order No. L-41011/43/2007-IR(B-I) dated 28-2-2008 the Central Government in the Ministry of Labour, New Delhi in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) referred this industrial dispute between Smt. Rani wife of the deceased worker Ishwar Lal Kuril and Uttar Railway, DRM Karyalya, Lucknow for adjudication.

The issue of reference for adjudication is as under;

“क्या प्रबन्धन, उत्तर रेलवे लखनऊ द्वारा कर्मकार इव. ईश्वरलाल कुरील को जनवरी 1996 से मई 1996 तक के अन्तर का भुगतान उसकी पत्नी श्रीमती रानी को न दिया जाना न्यायोचित एवं वैध है? यदि नहीं तो वह किस राहत को पाने की अधिकारी है?

This industrial dispute has been raised by the wife of deceased worker Ishwar Lal Kuril through representative Mandal Sanghathan Mantri, Uttar Railway Karmchhari Union, Lucknow alleging that said worker has not been paid difference of salary for the period Jan. 1996 to May 1996 for which he was legally entitled and claimed amount of difference of the salary for the aforesaid period.

The statement of claim for Rs.31,795 was presented by the representative of the wife of deceased worker and during the course of proceedings at the stage of filing written statement an application has been moved on behalf of the union along with certified copy of the memorandum of settlement between Northern Railway Lucknow and Uttar Railway Karmchhari Union, Lucknow dated 21st July, 2008 with the request to pass an award on the basis of settlement. The representative of the opposite party has not opposed the above application and admitted the contents of the settlement.

The terms of the above settlement are as follows;

1. The management of Northern Railway, Lucknow is agreed to make the payment of difference of wages from Jan. 1996 to May 1996 in respect of Late Ishwar Lal Kuril, Ex CTI amounting to Rs.5611.00 to Smt. Rani wife of late Ishwar Lal Kuril.
2. The Uttar Railway Karmchhari Union, Lucknow is agreed not to press the case before the CGIT, Lucknow in reference no. L-41011/43/2007-IR (B-I) dated 20-12-2007 as per settlement made by railway management mentioned in para no. 1 of terms of settlement.
3. Both the parties will submit implementation report within 30 days from the date of settlement.

In view of the aforesaid settlement and stated position by both the parties it is no longer necessary to go into the merit of the claim. Award is given in the light of the settlement dated 21st July, 2008 directing the management to pay amount of Rs. 5611 to Smt. Rani wife of deceased Ishwar Lal Kuril within 30 days.

In case of default in making payment as aforesaid wife of deceased Ishwar Lal Kuril is entitled for interest @ 12% till date of actual payment.

Award as above.

Lucknow
11-09-2008

N. K. PUROHIT, Presiding Officer

नई दिल्ली, 24 सितम्बर, 2008

का. आ. 2927.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार स्टेट बैंक ऑफ इंडिया के प्रबंधकों के संबद्ध नियोजकों और उनके कर्मचारियों के बीच अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चण्डीगढ़ नं.-1 के पंचाट (संदर्भ सं. 247/1999) का प्रकाशन करती है, जो केन्द्रीय सरकार को 24-9-2008 को प्राप्त हुआ था।

[सं. एल-12012/293/1999-आईआर(बी-1)]

श्री. के. मनचन्द्रा, अनुभाग अधिकारी

New Delhi, the 24th September, 2008

S.O. 2927. In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 247/1999) of the Central Government Industrial Tribunal-cum-Labour Court-1, Chandigarh as shown in the Annexure, in the industrial dispute between the management of State Bank of India, and their workmen, which was received by the Central Government on 24-9-2008.

[No. L-12012/293/1999-(R(B-1)]

B. K. MANCHANDA, Section Officer

ANNEXURE

**BEFORE SHRI G. ANEDRAKUMAR SHARMA,
PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-1,
CHANDIGARH**

Case No. I.D. 247/99

Shri Om Prakash, S/o Shri Naib Chand, R/o VPO: Tagerol,
The Kistwar, Dist: Doaba (J&K)

... Applicant

Versus

(1) The Chief General Manager, State Bank of India, Local
Head Office, Sector-17 B Chandigarh

(2) The Asstt. General Manager, State Bank of India
122-A/D, Gandhinagar (J&K), Jammu-180004

... Respondent

APPEARANCES

For the workman : Workman in person

For the management : Shri I. D. Sharma with D.P. Vard

AWARD

Passed on 5-9-08

Central Govt. vide notification No. L-12012/293/99
IR (CM-I), dated 15-11-1999, has referred the following
dispute to this Tribunal for adjudication :

"Whether the action of the management of F.I.L.
represented by A.G.M., S.B.I., Chandigarh/Jammu
(J&K) and Chief General Manager, State Bank of
India, Chandigarh, in not including the name of Shri

eligible candidates for appointments as Class IV staff
and denying appointment as per settlement dated
17-11-97 and subsequently terminating his services
w.e.f. 28-10-98 is just and legal. If not to what relief
the workman is entitled to?"

2. The present reference was made by the Central
Govt. on the failure of conciliation proceedings for
adjudication of the matter referred in the schedule referred
above and the workman prayed for declaring the action of
the management as illegal and invalid and for reinstatement
in service with full backwages and all consequential
benefits in the interest of justice, equity and fair play.

The management turned up and opposes this
reference.

As per office memorandum dated 30-4-08, this case
was fixed in pre Lok adalat meeting on 5-9-08 for its disposal
by adopting the mediation and conciliation mechanism. The
workman and Shri I. B. Sharma Chief Manager State Bank
of India jointly made a statement that it is agreed between
the workman and the management that workman will join in
the bank on the same capacity on the same terms and
conditions on which he was disengaged from the bank. It
was also requested by the workman that he should be
considered for future appointments in the bank regarding
relaxation of age because of the long litigation before this
Tribunal. It has been agreed upon. The representative of
the management also requested that he will seek approval
from the higher authorities that the workman will be
considered for future appointments. It is also agreed that
no back wages and no seniority will be given to the workman.
In view of the settlement the workman withdraws the
present reference in Lok Adalat. Accordingly the reference
is returned to the Central Govt. as settled in Lok Adalat.
Central Govt. be informed. File be consigned to record.

Chandigarh

G. K. SHARMA, Presiding Officer

5-9-08

नई दिल्ली 24 सितम्बर, 2008

का. आ. 2928.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार स्टेट बैंक ऑफ इंडिया के प्रबंधकों के संबद्ध नियोजकों और उनके कर्मचारियों के बीच अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चण्डीगढ़ नं.-1 के पंचाट (संदर्भ सं. 131/1991) को प्रकाशन करती है, जो केन्द्रीय सरकार को 24-9-2008 को प्राप्त हुआ था।

[सं. एल-12012/293/1991-आईआर(बी-III)]

श्री. के. मनचन्द्रा, अनुभाग अधिकारी

New Delhi, the 24th September, 2008

S.O. 2928. In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 131/1991) of the Central Government Industrial Tribunal-cum-

in the industrial dispute between the management of State Bank of Patiala, and their workman, received by the Central Government on 24-9-2008.

[No. L-12012/234/1991-IR(B-III)]

B. K. MANCHANDA, Section Officer

ANNEXURE

**BEFORE SHRI GAYANENDRA KUMAR SHARMA,
PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT-I, CHANDIGARH**

Case No. I.D. 131/91

General Secretary, State Bank of Patiala, Employees' Union
(Haryana) Central Office, 261, Subhash Nagar, Rohtak-
124001

...Applicant

Versus

General Manager, State Bank of Patiala, Head Office, The
Mall, Patiala-147001

...Respondent

APPEARANCES

For the workman : Sh. D.R. Sharma

For the management : Sh. N.K. Zakhmi

AWARD

Passed on 15-9-08

Central Govt. vide notification No. L-12012/234/91/
IR (B-III), dated 23-9-91, has referred the following industrial
dispute for judicial adjudication:

"Whether the action of management of State Bank of Patiala in awarding the punishment of withholding of four annual grade increments with future effect of Sh. Lyak Singh, Peon-cum-Frash, is just, fair and legal? If not, to what relief the workman is entitled?"

On perusal of the statement of claim and written statement, it evident that on 20-2-84, the workman was charge sheeted for 6 causes which are as under:

1. That on the 26th November, 1982, at about 5.10 p.m. you, unauthorisedly took away gunny bags used by the branch for packing of stationery. Shri Ravi Chand, Guard on duty advised you not to do so but you did not accede to his request and took away gunny bags from the branch. You thus, did act prejudicial to the interest of the bank.
2. That you do not wear the official uniform supplied to you. You were advised to the Manager vide office order No. 12 dated 7-3-83 to wear the uniform but you did not comply with his lawful orders. Vide office order No. 17 dated 17-3-83, you were again advised by the Manager to wear the uniform but you are attending the office, without, any uniform in utter disregard of instructions issued by the Bank.

3. That, you are alleged to have misplaced two credit vouchers dated 19-3-83 for Rs. 740 and 520 relating to SB A/c No. 323 (Sh. Sandeep) and SB A/c No. 185 Register of the branch and thus did act prejudicial to the interests of the Bank.
4. That you were delivered letter No. 6042 dated the 20th December, 1982 by the clerk concerned which was addressed to you, you instead of acknowledging the letter, tore away the letter into pieces in the presence of Sh. Vinod Kumar Bhatia Dispatch Clerk. You thus, created disorderly scene in the premises of the Bank and failed to obey the lawful orders of the Manager.
5. That you on 2-5-83 misbehaved with Sh. Ramesh Ojha representative of M/s. Bharat Cotton Industries who visited the branch for transacting certain business. You thus showed indecent behaviour in the premises of the Bank to the constituents of the Bank.
6. That on 21-9-83 you abused Sh. Ram Kumar, watchman-cum-peon of the branch and tried to slap him and thus, committed breach of the discipline.

He was given an opportunity for replying the, charge sheet. Dissatisfying with the reply, a departmental enquiry was ordered, enquiry officer was appointed, and the enquiry officer gave his report to the effect that charge No. 1, 5 and 6 are proved against the workman whereas, charge No. 2, 3 and 4 are not proved. Accordingly, while answering this reference, I will discuss the matter relating to the charge No. 1, 5 and 6 which have been held to be well proved by the enquiry officer. The workman has challenged the enquiry proceedings enquiry report and other proceedings on the ground of violation of principle of natural justice stating that no opportunity was given to him. This Tribunal has not framed any preliminary issue on genuineness of enquiry, accordingly, the main question for determination for this Tribunal, while answering this reference are as follows :—

1. Whether a fair and reasonable enquiry was conducted by the enquiry officer in compliance of the principle of natural justice.
2. Whether the enquiry officer was justified to hold the charge No. 1, 5 and 6 well proved against the workman.
3. Whether the disciplinary authority and the appellate authority have followed the principles of natural justice while awarding punishment to the workman and in disposal of the appeal against the punishment order.

Parties were afforded the opportunity of being heard. Entire enquiry proceedings and the enquiry report are also on record. I have gone through the entire enquiry proceedings and the evidence adduced by the parties. WW1, Sh. Lyak Singh in his cross-examination has admitted

that he received charge sheet and filed the reply. In the enquiry he was represented by Sh. D.L. Sikka. He has also admitted that he has cross-examined all the witnesses of the management and every proceedings bears his signature. I have also gone through the enquiry proceedings from which it is clear that the enquiry officer adopted a fair and reasonable procedure while conducting the enquiry. He also ensured to afford all possible opportunity of being heard to the workman on every stage of enquiry and there seems no violation of any rules of principle of natural justice. Accordingly, on genuineness of enquiry, I am of the view that the enquiry officer has conducted the enquiry in a fair and reasonable manner and there has been no violation of principles of natural justice.

As stated earlier that charge No. 1, 5 and 6 are held to be well proved against the workman in the enquiry report. Charge No.1 is relating to taking away gunny bags unauthorizedly by workman, used by the branch for packing of stationery. Sh. Ravi Chand, Guard on duty advised him not to do so but he did not accede to his request and took away gunny bags from the branch. Sh. Ravi Chand was examined as PW2 whereas, Sh. M.C. Sharma the then Branch Manager was examined as PW1. Both of the witnesses have categorically stated how the workman took away the gunny bags which were the property of the bank and was used for packing of stationery. The letters regarding the information of incident for taking away of gunny bags are also on record. I have gone through all these letters which proved that Sh. Lyak Singh on 26-11-92 at about 5.15 pm was advised by the Guard, Ravi Chand not to carry the gunny bags. When asked by the Manager, PW1, the answered "TOH KYA HO GAYA". Thus, the enquiry officer was absolutely justified in holding the charge No.1 for taking the gunny bags unauthorizedly out of the bank premises which was the property of the bank and used for packing the stationery.

The second charge, charge No.5, proved against the workman is that on 2-5-83, he misbehaved with Sh. Ramesh Ojha representative of M/s. Bharat Cotton Industries who visited the branch for transacting certain business. A written complaint was filed by Sh. Ojha which filed as Annexure P-15 in the enquiry file. Sh. Ramesh Ojha was examined by the enquiry officer in which he proved about the incident of misbehavior by Lyak Singh. The workman cross-examined Sh. Ramesh Ojha but nothing adverse could trace out. No evidence on this charge was adduced by the workman in his defence. Accordingly, enquiry officer was also justified in his finding on Charge No.5 regarding the misbehavior of Sh. Lyak Singh with Sh. Ramesh Ojha a representative of M/s. Bharat Cotton Industries.

The charge No. 6 which was also held to be proved by the enquiry officer against the workman is that on 21-9-93 Sh. Lyak Singh abused Sh. Ram Kumar, Watchman Peon of the branch and tried to slap him. While discussing

this charge, the enquiry officer at Page No.15, Para No.2 has given a general opinion as follows:—

"It all appears that the behavior of Sh. Lyak Singh was not appropriate towards his colleagues."

This observation of the enquiry officer, being a general one cannot be of any help while attempting to prove the charge No.6 against the workman for misbehaving with Sh. Ram Kumar and tried to slap him. During the enquiry proceedings, the enquiry officer is supposed to conduct the enquiry only for adjudication for which workman is charge sheeted and not other wise. For his general behavior with the colleagues, Sh. Lyak Singh was not charge sheeted accordingly, on the basis of this inference alone, it cannot be said that the charge No.6 against the workman is proved. I have gone through the other part of the enquiry proceedings and enquiry report on charge No. 6 Sh. Ram Kumar made a written complaint to the Manager concerned and this complaint was proved by Sh. Raj Kumar as management witness before the enquiry officer. No doubt, the workman adduced the evidence in defence on this charge but on collective perusal of the entire materials on record, I am of the view that the complaint and statement of complainant, Ram Kumar is well proved and enquiry officer was further justified in holding the charge No. 6 well proved against the workman.

The question left for determination is that for taking away gunny bags unauthorizedly, misbehaviour with Sh. Ramesh Ojha, a representative of M/s. Bharat Cotton Industries have a business with the bank and misbehaviour with Sh. Ramesh Kumar with attempt for slapping him is such a misconduct for which stoppage of 4 increments with cumulative effect is a proportionate punishment. On perusal of the evidence adduced by the workman before this Tribunal, it is evident that full opportunity was given by the disciplinary authority and appellate authority of being heard. He was given the show cause notice and also ensured the personal hearing. For taking away the gunny bags unauthorizedly, it is not the value of the gunny bags but the mental behavior of the workman which is to be considered. On the same line, Mr. Ojha was misbehaved which is against the interest of the bank. The main working of the bank will be at stake, if the customers dealing with the bank and having business with the bank, are not properly treated by its employees. Likewise, misbehavior with the colleague Mr. Ram Kumar and tried to slap him is such a misconduct which should be dealt with severely to maintain the discipline in any organization, particularly in the financial institutions. Thus, in my opinion, withholding of 4 increments of Sh. Lyak Singh was the proportional punishment to his misconduct and the workman is not entitled to any relief. This reference is answered accordingly. File be continued.

G. S. SHARMA, Presiding Officer

नई दिल्ली, 26 सितम्बर, 2008

का. आ. 2929.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार उत्तर मध्य रेलवे के प्रबंधन के संबद्ध नियोक्तों और उनके कर्मचारों के बीच अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, कानपुर के पंचाट (संदर्भ सं. 22/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-9-2008 को प्राप्त हुआ था।

[सं. एल-41012/304/2003-आईआर(बी-1)]

बी. के. मनचन्दा, अनुभाग अधिकारी

New Delhi, the 26th September, 2008

S.O. 2929.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 22/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Kanpur as shown in the Annexure, in the industrial dispute between the management of Uttar Madhya Railway, and their workmen, which was received by the Central Government on 26-9-2008.

[No. L-41012/304/2003-IR(B-I)]

B. K. MANCHANDA, Section Officer

ANNEXURE

**BEFORE SHRI R.G. SHUKLA, PRESIDING
OFFICER, CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, SHRAM
BHAWAN, KANPUR**

Industrial Dispute Case No. 21 of 2004

BETWEEN

Krishna Pal Singh Son of Rahmali,
C/o Chhidu Singh Yadav,
Vill. Michki & Post Haswa,
District Fatehpur

And

Assistant Engineer(HQ)/
Appellate Authority,
NCR, Allahabad

Industrial Dispute Case No. 22 of 04

Sri Sarvan Kumar Son of Roop Lal
Bungalow No. 17-C,
Out House No. A at Railway Hospital NCR Govind
Nagar, Kanpur

And

Assistant Divisional Engineer/
Disciplinary Officer,
NCR, Allahabad.

AWARD

1. As in both the above Industrial Dispute cases a common question of fact and law are involved, therefore, it is proposed to decide the same by means of this common award.

2. The Central Government, Ministry of Labour, in Industrial Dispute Case No. 21 of 2004, vide its notification No. L-41012/303/2003-IR(B-I) dated 8-4-04, has referred the following dispute for adjudication to this Tribunal—

**KYA SAHAYAK MANDAL ABHIYANTA NCR
FATEHPUR KE ADESH DINANK 9-1-2003 TATHA
APPELLATE AUTHORITY KE ADESH DINANK
20-6-2003 KE DWARASHRI KRISHNAPAL SINGH
PUTRA RAHMALI KO RAIL SEWA SE HATAYA
JANA (REMOVE FROM SERVICE) NYAYOCHIT
HAI?**

3. The Central Government, Ministry of Labour, in Industrial Dispute Case No. 22 of 2004, vide its notification No. L-41012/304/2003-IR(B-I) dated 8-4-04, has referred the following dispute for adjudication to this Tribunal—

**KYA SAHAYAK MANDAL ABHIYANTA UTTAR
MADHYA RAILWAY FATEHPUR KE ADESH DINANK
09-01-2003 TATHA APPELLATE AUTHORITY KE
ADESH DINANK 20-06-2003 KE DWARASHRI
SHRAWAN KUMAR ATMAJ ROOP LAL KO RAIL
SEWA SE HATAYA JANA (REMOVE FROM SERVICE)
NYAYOCHIT HAI? YADI NAHI TO KARAMKAR KIS
ANUTOSH KA HAQDAR HAI?**

4. The undisputed facts of the case in both the cases are that the workmen were regular and permanent employees of the opposite party and they were given the status of at the post of Gang Man by the opposite party. Both of them were served with major penalty charge sheet dated 28-10-83, for manhandling with Gang Mate Sri Ram Kriani misbehaving with him and on the ground that he left the place of duty unauthorized manner without permission which act was of serious nature. After holding departmental enquiry against both of them, the Enquiry Officer submitted his report dated 2-11-88 and on the said inquiry report the disciplinary authority by means of its order dated 30-12-1993 removed the services of both the delinquent employee from the service of railway. Both delinquent employees preferred separate appeals before the appellate authority and the appellate authority after considering the nature of misconduct vide its order dated 26-04-1994 rejected the appeal of the employees. Thereafter both of them approached before the Central Administrative Tribunal, Allahabad, by filing O.A.No.1043 of 1994 and O. A. No.1043 of 1994, whereby the order of the disciplinary authority and the appellate authority were challenged by them. Administrative Tribunal allowed the application of both of them by its order dated 12-04-02 by setting aside the order of

Impugned with direction that the petitioner shall remain under deemed suspension with further direction that de novo inquiry from the stage of 06-11-87 be held in the matter and the opposite party are free to proceed against the delinquent employee relying on the settled law that where there is procedural irregularity in holding of enquiry, the inquiry report and consequential orders may be quashed and set aside but the matter should be remanded back to the authorities to start inquiry from the stage where the said irregularity has taken place. The order dated 12-04-02 is quite indicative of the fact that the perusal of the inquiry report shows that apart from the evidence of three officers as mentioned above, there were other evidence available on the file to show that the incident had taken place and that the applicants had abused, insulted and slapped the said P.W.1 and there is no requirement to rely on the statement made by these officers as even without their statements the charge would still be proved against the applicants.

5. In view of it Tribunal has no hesitation in examining the enquiry conducted by the department from the stage of 6-11-87 under the orders of the Industrial Tribunal.

6. Before appreciating the facts pleaded by the contesting parties and evidence adduced by the parties both the delinquent employees have not denied their presence at the place of incident on 15-10-83 and also it is not in dispute that F.I.R. was lodged against both the employees by the officers of the Railway regarding the incident of manhandling, abusing and slapping the officers of the opposite parties by these delinquent employee. It is also not in dispute that both of them have left the place of their duties without prior information of their higher authorities and participated in demonstration along with their colleagues and became part of manhandling with their superior officers.

7. Now the case as set up by both the delinquent employees are that Assistant Divisional Engineer, Fatehpur appointed Sri GN Mishra, vide Standard Form No.7 dated 6-8-2002, as Enquiry Officer started inquiry de-novo. The delinquent employees requested vide their letter dated 19-8-2002 dated certain documents. The delinquent employees again on 13-9-02 and 14-09-02 again demanded but the documents were never provided to the delinquent employees. They requested before the disciplinary authority for providing the documents called for by them. It is further pleaded by them that the star witnesses such as Ram Kripal and J K Rai who were mentioned in the charge sheet have not been examined as witnesses nor they were produced for their cross-examination at the hands of defence representative during the course of conduct of inquiry by the Enquiry Officer. Thus the inquiry conducted in their case is against the rules and natural justice, and rules governing the service conditions. The disciplinary authority based on inquiry removed the services of the delinquent employees by means of its order dated 9-1-03

which is illegal, arbitrary and against the principles of natural justice which is liable to be set aside. Likewise appeal preferred by both of them against the order of their removal were quashed by them by filing appeal which too could not find favour and the appellate authority vide its order dated 20-6-06 rejected their appeals. Lastly it is pleaded that the report of Enquiry Officer is perverse and the same cannot be made basis for inflicting of any punishment. On the basis of above pleadings it has been prayed that the punishment order dated 9-1-03 and appellate order dated 20-6-03 be set aside and the workmen be reinstated in the service of the railway with full back wages, continuity of service and with other consequential benefits.

8. The claim of the workers have been contested by the opposite parties on variety of grounds, in as much as the delinquently employees have rightly been charge sheeted for their serious nature of misconduct committed on 15-10-83, against their senior officers publicly by slapping him, abusing him and creating indecent scene. They were given proper and adequate opportunity of their defence by the Enquiry Officer during the course of conduct of inquiry. Rules of natural justice have been followed by the Inquiry Officer and he had submitted very reasoned findings in the case of both the delinquent employees. The disciplinary authority after giving anxious considerations to the proceedings of inquiry, material available on inquiry and inquiry finding was of the opinion that ends of justice would be met if these delinquent employees be awarded punishment of removal from railway service and accordingly they were removed from the railway service. There is no illegality either in the action of the Inquiry Officer or disciplinary authority or the appellate authority. It has, therefore been prayed that the punishment awarded to the employees does not call for any interference at the hands of this Tribunal and their claim is liable to be rejected.

9. In Industrial Dispute Case No. 21 of 2004, whereas workman has adduced oral as well as documentary evidence, opposite party have filed certain documents by way of evidence and has given any oral evidence nor have cross-examined the worker witness. In 22 of 200-1 both contesting parties have adduced oral as well as documentary evidence.

10. It may be pointed out that for appreciating the action of the management based on disciplinary action the evidence led before the Tribunal is being ignored and they will be examined on the basis of evidence of parties before the enquiry officer.

11. The Tribunal has examined carefully the evidence adduced by the parties before the Inquiry Officer and have also gone through the materials available on record. As pointed out above the Tribunal is confining its findings to the departmental proceedings held after the order passed by the Central Administrative Tribunal directing the management to hold enquiry de novo.

12. Tribunal has also heard the arguments of the contesting parties at length.

13. The representative for the workmen have vehemently argued that in proceedings de-novo held against the workers the inquiry officer did not provide the workers documents summoned by them nor the material witnesses such as Sri Ram Kripal and Sri J K Rai were ever examined or cross-examined before the inquiry, therefore, in the absence of their evidence charge cannot be held to be proved against them.

14. On the contrary it has been argued by the authorized representative for the workers that as both delinquent employees have not denied their presence either in their pleadings or in their evidence at the place of incident on 15-10-83, nor have stated in their evidence that no such incident ever took place as has been mentioned in the chargesheet and even in paragraph No. 3 of their statement of claim they have categorically admitted the fact that FIR/NCR was lodged against them at P.S. Rail Bazar, Kanpur, on 15-10-83, therefore, on the basis of clear cut admission as above, there was no need for providing any documents as called for by them during the course of inquiry as the charges automatically stood proved against them.

15. The tribunal is unable to agree with the arguments advanced by the authorized representative for the workers for the reasons that it has come in the pleadings and evidence of the parties that some agitation of workers were going on regarding certain issues and both of them have also admitted their presence at the place agitation. It has also been admitted by them that they have come to the place of the incident with due permission of his mate and also in view of admitted fact that FIR/NCR were lodged by the officers of the railway against on 15-10-83 at P.S. Rail Bazar, Kanpur. Taking into consideration the overall aspect of the matter it clinches to the mind of the tribunal that how these two persons reached at the place of incident leaving the place of their duties and mere their presence at the place of incident is sufficient to hold that incident took place in the manner in which it is stated in the chargesheet. It can also be easily presumed that when the fact of agitation of workers is admitted to both the contesting parties what provoked in the mind of the officers of the opposite parties to have lodged FIR against both the employees leaving several others who are also alleged to be the participants of the agitation. Therefore the arguments advanced by the representative for the opposite party appears on sound footings and it is very difficult to disbelieve the case of the opposite party under the facts and circumstances of the case. The arguments advanced by the representative of the worker is wholly devoid of merit in view of finding of the Central Administrative Tribunal, Allahabad, in its order dated 12-04-02, that there were other evidence available on the file to show that incident had taken place and that the

applicants had abused; insulted and slapped the said PW1 and there is no requirement to rely on the statements made by these offices as even without their statements the charge would still be proved against the applicants. This findings of the Administrative Tribunal, Allahabad, is based on facts and therefore, the tribunal has no hesitation to hold that for the reasons given above, charge against these delinquent employees stands proved even without the help of other evidence, therefore, there appears to be no illegality when the delinquent employees were not provided with the documents called by them from the inquiry officer or when the witnesses named in the charge sheet were not examined by the opposite party in domestic inquiry. Even they have been able to establish the fact as to what prejudice had been caused to them if the documents called for have not been given to them or the management did not examined the persons named as witness in the chargesheet. It was the legal obligation of the workers to have established the fact that they have neither took part in the alleged agitation nor have ever abused, insulted or slapped the officer of the railway. Instead they appears to be very much inclined to establish evidence against themselves when they of their own accord proved that they were very much present on the place of incident and that FIR had been lodged against them by the officer of the opposite party on 15-10-83. Therefore, in view of their own admission, there remains hardly any need for the opposite party to establish the charges as the charges stands proved from the pleadings and evidence of the workers.

16. No other points have been pressed by the representatives for the contesting parties. Accordingly it is held that the charges against both the delinquent employees stands fully established and there is no illegality in the action of the opposite party when they passed removal order against both of them by way of punishment.

17. For the reasons explained above, it is held that the action of the management in removing both the delinquent employee from service vide order dated 9-1-03 passed by the disciplinary authority and upheld by the appellate authority vide order dated 20-6-03, is neither illegal nor unjustified. The result is that the reference is answered in negative against the workers holding that they are not entitled for any relief as claimed by them in their statement of claim. And accordingly their claim stands rejected.

R. G. SHUKLA, Presiding Officer

नई दिल्ली, 26 सितम्बर, 2008

का. आ. 2930.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार नाथन रेलवे के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, कानपुर के पंचाद (संदर्भ सं. 13/1999)

को प्रकाशित करती है, जो केन्द्रीय सरकार का 26-9-2008 को प्राप्त हुआ था।

[सं. एल. 4/12/27/1998-आईआर(बी-1)]

ब. क. मन्चान्दा, अनुदान अधिकारी

New Delhi, the 26th September, 2008

S.O. 2930.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 21/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Kanpur, as shown in the Annexure, in the Industrial dispute between the management of Northern Railway and their workmen, which was received by the Central Government on 26-9-2008.

[No. L-41012/27/1998-IR(B-1)]

B. K. MANCHANDA, Section Officer

ANNEXURE

BEFORE SHRI B. K. SHUKLA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM LABOUR COURT, SHIRAM BHAWAN, AT L.C. CAMPUS, UDYOG NAGAR, KANPUR

Industrial Dispute No. 13 of 1999

In the matter of dispute between

Sri Dinanath Tiwari,
Uttar Railway Karamchari Union,
Divisional Organizing Secretary 11974 Q No. 61
Naseemabad, Kanpur

AND

The Divisional Railway Manager
Northern Railway
Allahabad

AWARD

1. Central Government, MoL, New Delhi, vide its Notification No. L-41012/27/98-IR (B-1) dated 13-01-1999 has referred the following dispute for adjudication to this tribunal:—

“Whether the action the management of Northern Railway in not giving employment and previous pay to Munna’s wife in place of S. Munna is legal and justified? If not to what relief the workmen are entitled?”

2. A bare perusal of the statement of claim filed by the union would go to reveal the fact that the claim of the union is vague and meaningless for the reasons that this union can raise industrial dispute only in relation to its member and not otherwise. From the claim statement it is also clear that it is neither a case of Section 2-A of Industrial Disputes Act, 1947, nor the same is a valid industrial dispute existing between the parties. Likewise the reference order is also not clear as to against whom the reference has been

made for adjudication. As the state not giving employment and previous pay to Sri Munna’s wife in place of Sri Munna cannot be termed to be an industrial dispute under the provisions of the Act. On perusal of file it emerges out that the union has filed certified copy of order dated 20-08-97 passed by this court under section 33-C-2 of the Act in L.C.A No. 252 of 1996. Sri S. Munna Devi versus Northern Railway, wherein this Court has categorically held that if her husband is incapacitated because of insanity, the application can be moved on from through his next friend-guardian. The court has further observed that third person cannot maintain application under section 33-C-2 of the Act and accordingly the court rejected the application of the applicant. The order of this court has been marked as Ex. W-19. Applying the same analogy, the tribunal is of the firm view that union is not competent to maintain the present claim on behalf of the wife of Sri Munna who is still alive.

3. In view of above there remains no need to detail the facts of the case and to go into evidence of the case as the reference is going to be answered against the union for the reasons discussed above.

4. Accordingly it is held that the claim of the union is devoid of any merit and is not maintainable under the provisions of Industrial Disputes Act, 1947, as the claim of the union is outside the ambit and scope of the term of Industrial Dispute as defined under section 2-A or 2-K of the Industrial Disputes Act, 1947. Therefore for the reasons explained above, union cannot be granted any relief as claimed by it.

B. K. SHUKLA, Presiding Officer

नई दिल्ली, 26 सितम्बर, 2008

का. आ. 2931.—अनुदानक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्वये में केन्द्रीय सरकार द्वारा मध्य रेलवे के कर्मचारियों के संघ और उनके कर्मचारियों के बीच अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक, आधिकरण/श्रम न्यायालय, कानपुर को संवत् (सं. 21/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार का 26-9-2008 को प्राप्त हुआ था।

[सं. एल. 4/12/27/2003-आईआर(बी-1)]

ब. क. मन्चान्दा, अनुदान अधिकारी

New Delhi, the 26th September, 2008

S.O. 2931.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 21/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Kanpur as shown in the Annexure, in the Industrial dispute between the management of Uttar Madhya Railway, and their workmen, received by the Central Government on 26-9-2008.

[No. L-41012/2003/2003-IR(B-1)]

B. K. MANCHANDA, Section Officer

ANNEXURE

**BEFORE SHRI R.G. SHUKLA, PRESIDING
OFFICER, CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, SHRAM
BHAWAN, KANPUR**

Industrial Dispute Case No 21/2004

Between

Krishna Pal Singh Son of Rahmali,
C/o Chhidu Singh Yadav,
Viji Michki & Post Haswa,
District Fatehpur

And

Assistant Engineer(HQ)/
Appellate Authority,
NCR Allahabad.

Industrial Dispute Case No 22/04

Sri Sarvan Kumar son of Roop Lal
Bungalow No. 17-C,
Out house No. A at Railway Hospital NCR Govind
Nagar, Kanpur

And

Assistant Divisional Engineer/
Disciplinary Officer
NCR Allahabad.

AWARD

1. As in both the above Industrial Dispute cases a common question of fact and law are involved, therefore, it is proposed to decide the same by means of this common award.

2. Central Government, Ministry of labour, in Industrial Dispute Case No. 21 of 2004, vide its notification No. L-41012/303/2003-IR(B-I) dated 8-4-04, has referred the following dispute for adjudication to this tribunal—

KYA SAHAYAK MANDAL ABHIYANTA NCR
FATEHPUR KE ADESH DINANK 9-1-2003 TATHA
APPELLATE AUTHORITY KE ADESH DINANK 20-
6-2003 KE DWARA SHRI KRISHNAPAL SINGH
PUTRA RAHMALI KO RAIL SEWA SE HATAYA
JANA (REMOVE FROM SERVICE) NYAYOCHIT
HAI?

3. Central Government, Ministry of Labour, in Industrial Dispute Case No. 22 of 2004, vide its notification No. L-41012/304/2003-IR(B-I) dated 8-4-04, has referred the following dispute for adjudication to this tribunal:—

KYA SAHAYAK MANDAL ABHIYANTA UTAR
MADHYA RAILWAY FATEHPUR KE ADESH DINANK
09-01-2003 TATHA APPELLATE AUTHORITY KE ADESH
DINANK 20-06-2003 KE DWARA SRI SHRAWAN
KUMAR ATMAJ ROOP LAL KO RAIL SEWA SE
HATAYA JANA (REMOVE FROM SERVICE) NYAYOCHIT
HAI? YADINAH TO KARAMKAR KISANUTOSH KA

HAQDAR HAI?

4. The undisputed facts of the case in both the cases are that the workmen were regular and permanent employee of the opposite party and they were given the status of at the post of gang man by the opposite party. Both of them were served with major penalty charge sheet dated 28-10-83, for manhandling with Gang Mate Sri Ram Kripal misbehaving with him and on the ground that he left the place of duty unauthorized manner without permission which act was of serious nature. After holding departmental enquiry against both of them the Enquiry Officer submitted his report dated 2-11-88 and acting upon the said inquiry report the disciplinary authority by means of its order dated 30-12-1993 removed the services of both the delinquent employee from the service of railway. Both delinquent employees preferred separate appeals before the appellate authority and the appellate authority after considering the nature of misconduct vide its order dated 26-04-1994 rejected the appeal of the employees. Thereafter both of them approached before the Central Administrative Tribunal, Allahabad, by filing O.A.No.1043 of 1994 and O. A. No.1043 of 1994, whereby the order of the disciplinary authority and the appellate authority were challenged by them. Administrative Tribunal allowed the applicant vide its order dated 12-04-02 by setting aside the impugned orders with direction that the petitioner shall remain under deemed suspension with further direction that de novo inquiry from the stage of 06-11-87 be held in the matter and the opposite party are free to proceed against the delinquent employee relying on the settled law that where there is procedural irregularity in holding of enquiry, the enquiry report and consequential orders may be quashed and set aside but the matter should be remanded back to the authorities to start inquiry from the stage where the said irregularity has taken place. The order 12-04-02 is quite indicative of the fact that the perusal of the enquiry report shows that apart from the evidence of three officers as mentioned above, there were other evidence available on the file to show that the incident had taken place and that the applicants had abused, insulted and slapped the said P.W.1 and there is no requirement to rely on the statement made by these officers as even without their statements the charge would still be proved against the applicants.

5. In view of it tribunal has no hesitation in examining the enquiry conducted by the department from the stage of 06-11-87 under the orders of the Industrial Tribunal.

6. Before appreciating the facts pleaded by the contesting parties and evidence adduced by the parties both the delinquent employee have not denied their presence at the place of incident on 15-10-83 and also it is not in dispute that F.I.R was lodged against both the employees by the officers of the Railway regarding the incident of manhandling, abusing and slapping the officers of the opposite parties by these delinquent employees. It is also not in dispute that both of them have left the place

of their duties without prior information of their higher authorities and participated in demonstration along with their colleagues and became part of manhandling with their superior officers.

7. Now the case as set up by both the delinquent employees are that Assistant Divisional Engineer Fatehpur appointed Sri G.N. Mishra, vide Standard Form No. 7 dated 6-08-2002, as Enquiry Officer started inquiry de-novo. The delinquent employees requested vide their letter dated 19-8-2002 dated certain documents. The delinquent employees again on 13-9-02 and 14-09-02 again demanded but the documents were never provided to the delinquent employees. They requested before the disciplinary authority for providing the documents called for by them. It is further pleaded by them that the star witnesses such as Ram Kripal and J. K. Rai who were mentioned in the charge sheet have not been examined as witnesses nor they were produced for their cross-examination at the hands of defence representative during the course of conduct of inquiry by the enquiry officer. Thus the inquiry conducted in their case is against the rules and natural justice and rules governing the service conditions. The disciplinary authority based on inquiry removed the services of the delinquent employees by means of its order dated 09-01-03 which is illegal arbitrary and against the principles of natural justice which is liable to be set aside. Likewise appeal preferred by both of them against the order of their removal were assailed by them by filing appeal which too could not find favour and the appellate authority vide its order dated 20-06-06 rejected their appeals. Lastly it is pleaded that the report of inquiry officer is perverse and the same cannot be made basis for inflicting of any punishment. On the basis of above pleadings it has been prayed that the punishment order dated 09-01-03 and appellate order dated 20-06-03 be set aside and the workmen be reinstated in the service of the railway with full back wages, continuity of service and with other consequential benefits.

8. The claim of the workers have been contested by the opposite parties on variety of grounds, in as much as the delinquent employees have rightly been charge sheeted for their serious nature of misconduct committed on 15-10-83, against their senior officers publicly by slapping him, abusing him and creating indecent scene. They were given proper and adequate opportunity of their defence by the inquiry officer during the course of conduct of inquiry. Rules of natural justice have been followed by the inquiry officer and he had submitted very reasoned findings in the case of both the delinquent employees. The disciplinary authority after giving anxious considerations to the proceedings of inquiry, material available on inquiry and inquiry finding was of the opinion that ends of justice would be met if these delinquent employees be awarded punishment of removal from railway service and accordingly they were removed from the railway service. There is no illegality either in the action of the inquiry officer or

disciplinary authority or the appellate authority. It has therefore been prayed that the punishment awarded to the employees does not call for any interference at the hands of this Tribunal and their claim is liable to be rejected.

9. In Industrial Dispute Case 21 of 2004, whereas workman has adduced oral as well as documentary evidence, opposite party have filed certain documents by way of evidence and has given any oral evidence nor have cross-examined the worker witness. In 22 of 2004 both contesting parties have adduced oral as well as documentary evidence.

10. It may be pointed out that for appreciating the action of the management based on disciplinary action the evidence led before the tribunal is being ignored and will be examined on the basis of evidence of parties before the enquiry officer.

11. The tribunal has examined carefully the evidence adduced by the parties before the inquiry officer and have also gone through the materials available on record. As pointed out above the tribunal is confining its findings to the departmental proceedings held after the order passed by the Central Administrative Tribunal directing the management to hold enquiry de-novo.

12. Tribunal has also heard the arguments of the contesting parties at length.

13. The representative for the workmen have vehemently argued that in proceedings de novo held against the workers the inquiry officer did not provide the workers documents summoned by them nor the material witnesses such as Sri Ram Kripal and Sri J K Rai were ever examined or cross-examined before the inquiry, therefore, in the absence of their evidence charge cannot be held to be proved against them.

14. On the contrary it has been argued by the authorized representative for the workers that as both delinquent employees have not denied their presence either in their pleadings or in their evidence at the place of incident on 15-10-83, nor have stated in their evidence that no such incident ever took place as has been mentioned in the charge sheet and even in paragraph no. 3 of their statement of claim they have categorically admitted the fact that FIR/ NCR was lodged against them at P.S. Rail Bazar, Kanpur, on 15-10-83, therefore, on the basis of clear cut admission as above, there was no need for providing any documents as called for by them during the course of inquiry as the charges automatically stood proved against them.

15. The tribunal is unable to agree with the arguments advanced by the authorized representative for the workers for the reasons that it has come in the pleadings and evidence of the parties that some agitation of workers were going on regarding certain issues and both of them have also admitted their presence at the place agitation. It has also been admitted by them that they have come to the

place of the incident with due permission of his mate and also in view of admitted fact that FIR/NCR were lodged by the officers of the railway against them on 15-10-83 at P.S. Rail Bazar, Kanpur. Taking into consideration the overall aspect of the matter it clinches to the mind of the tribunal that how these two persons reached at the place of incident leaving the place of their duties and mere their presence at the place of incident is sufficient to hold that incident took place in the manner in which it is stated in the charge sheet. It can also be easily presumed that when the fact of agitation of workers is admitted to both the contesting parties what provoked in the mind of the officers of the opposite parties to have lodged FIR against both the employees leaving several others who are also alleged to be the participants of the agitation. Therefore the arguments advanced by the representative for the opposite party appears on sound footings and it is very difficult to disbelieve the case of the opposite party under the facts and circumstances of the case. The arguments advanced by the representative of the worker is wholly devoid of merit in view of finding of the Central Administrative Tribunal, Allahabad, in its order dated 12-04-02, that there were other evidence available on the file to show that incident had taken place and that the applicants had abused, insulted and slapped the said PW1 and there is no requirement to rely on the statements made by these offices as even without their statements the charge would still be proved against the applicants. This findings of the Administrative Tribunal, Allahabad, is based on facts and therefore, the tribunal has no hesitation to hold that for the reasons given above, charge against these delinquent employees stands proved even without the help of other evidence, therefore, there appears to be no illegality when the delinquent employees were not provided with the documents called by them from the inquiry officer or when the witnesses named in the charge sheet were not examined by the opposite party in domestic inquiry. Even they have been able to establish the fact as to what prejudice had been caused to them if the documents called for have not been given to them or the management did not examined the persons named as witness in the charge sheet. It was the legal obligation of the workers to have established the fact that they have neither took part in the alleged agitation nor have ever abused, insulted or slapped the officer of the railway. Instead they appears to be very much inclined to establish evidence against themselves when they of their own accord proved that they were very much present on the place of incident and that FIR had been lodged against them by the officer of the opposite party on 15-10-83. Therefore, in view of their own admission, there remains hardly any need for the opposite party to establish the charges as the charges stands proved from the pleadings and evidence of the workers.

16. No other points have been pressed by the representatives for the contesting parties. Accordingly it is held that the charges against both the delinquent employees stands fully established and there is no illegality in the action of the opposite party when they

passed removal order against both of them by way of punishment.

17. For the reasons explained above, it is held that the action of the management in removing both the delinquent employees from service vide order dated 9-1-03 passed by the disciplinary authority and upheld by the appellate authority vide order dated 20-6-03, is neither illegal nor unjustified. The result is that the reference is answered in negative against the workers holding that they are not entitled for any relief as claimed by them in their statement of claim. And accordingly their claim stands rejected.

R. G. SHUKLA, Presiding Officer

नई दिल्ली, 26 सितम्बर, 2008

का. आ. 2932.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार स्टेट बैंक ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, कानपुर के पंचाद (संदर्भ सं. 05/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-9-2008 को प्राप्त हुआ था। *

[सं. एल-12012/352/2001-आईआर(बी-1)]

बी. के. मनचन्दा, अनुभाग अधिकारी

New Delhi, the 26th September, 2008

S.O. 2932.—In pursuance of Section 17 of the Industrial Disputes Act, 1947(14 of 1947), the Central Government hereby publishes the award (Ref. No. 05/2002) of the Central Government Industrial Tribunal-cum-Labour Court, Kanpur as shown in the Annexure, in the Industrial dispute between the management of State Bank of India, and their workmen, which was received by the Central Government on 26-9-2008.

[No. L-12012/352/2001-IR(B-1)]

B. K. MANCHANDA, Section Officer

ANNEXURE

BEFORE SHRI R. G. SHUKLA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, SHRAM BHAWAN, A.T.I. CAMPUS, UDYOG NAGAR, KANPUR

Industrial Dispute Case No. 05/2002

In the matter of dispute between

Smt. Usha Devi
C/o Chandra Shekhar Srivastava
89/75, New Bahirana,
Allahabad 211606

And

The Deputy General Manager
State Bank of India,
Zonal Office,
Varanasi

AWARD

1. The Central Government, MOL, New Delhi, vide their notification No. L-12012/352/2001-IR (B-1) dated 17-1-2002, has referred the following dispute for adjudication to this tribunal:

Whether the action of the management of State Bank of India in terminating the services of Smt. Usha Devi with effect from 22-06-2000 is justified? If not, what relief the workman entitled?

2. The case in short as set by the workman in her statement of claim is that her mother was a regular and permanent employee of the opposite party as Sweeper at bank's Ohra branch of the opposite party. Consequent upon her death she was taken into employment by the opposite party on compassionate ground on 1-5-1995 and in this way the workman started performing the work of sweeper in the said branch of the opposite party. She was appointed without any appointment order in writing by the opposite party. The opposite party was under obligation to regularize the services of the workman having regard to her regular and permanent working as sweeper as regular and permanent post of sweeper was lying vacant at the branch where the workman was performing her duties. It is the further case of the workman that the opposite party with a view to protect themselves from legal obligations as provided under the provisions of the I.D. Act, 1947, made payment of her wages through vouchers in different names so that the workman may not be able to establish her claim of continuous working which is nothing but an act of Unfair Labour Practice. The workman raised her demand for full wages orally and in writing as well vide her representations dated 24-04-02 which annoyed the opposite party and as a result of the same they terminated her service in an illegal manner with effect from 22-06-02, in breach of the provisions of Section 25-F of the Act as at the time of her termination the opposite party neither gave notice, nor notice pay and nor the retrenchment compensation. On the basis of the above pleadings it has been prayed that she be reinstated in the service of the bank with full back wages, continuity of service and all consequential benefits.

3. The claim of the workman has been refuted by the opposite party on a number of grounds inter alia the services of the workman do not fall within the ambit of section 25-B which defines "Continuous Service" and at the provisions of section 25-F of the Act are not applicable in her case; that it is admitted by the opposite party that the mother of the workman, expired on 27-12-94; that after the death of Phoolmati, the mother of the applicant Smt. Usha Devi, regular and permanent post of Sweeper became vacant in the branch; that it is admitted that the claimant was engaged as sweeper on daily wages in the month of February 1996; that this much is admitted that the claimant was paid her daily wages for the days when she worked with the opposite party bank and rest of the allegations are denied; that so far allegation of the workman to the effect that she was paid her wages in the name of others she

could have made complaint before the higher authorities in this regard but she failed to do so, therefore, the allegations are not admitted by the opposite party; there is a set and recognized recruitment rules in the opposite party and the claimant had never underwent through it and no officer of the opposite party is empowered to engage and appoint any person against regular and permanent post ignoring the mandatory provisions of the recruitment rules, therefore, the claim of the applicant that she was engaged by the opposite party against regular and permanent post and she has been denied her regularization against that post is absolutely devoid of merit being baseless, imaginary and after thought; that the services of the workman as daily wage stood automatically terminated when regular and permanent employee by name Roop Chand reported for duties at the branch; the opposite party has denied that they at any point of time have retrenched the services of the claimant; and lastly the opposite party have also denied applicability of the provisions of Industrial Disputes Act, 1947 and on the basis of the same it has been prayed that the claim of the applicant is absolutely devoid of merit, misleading, misconceived, and misplaced, therefore, is liable to be rejected.

4. That after examination of pleadings both parties have adduced oral as well as documentary evidence in support of their respective claims. Whereas the claimant has examined herself as witness the opposite party examined its witness Sri R. R. Tiwari, Branch Manager.

5. The tribunal has gone through the records and materials available on the file carefully and has also heard the arguments of the respective authorized representatives of the parties at length.

6. First of all it has been pointed out that there are several material contradictions between the pleadings raised by the workman and evidence given by her in the light of reference order. The reference order is quite indicative of the fact that the services of the workman have been terminated with effect from 22-9-2000 whereas in paragraph No. 13 of her statement of claim, the applicant has claimed that she was removed from service with effect from 22-6-2002. In the reference order in paragraph No. 4 of her statement of claim the applicant has claimed that she was appointed by the opposite party on 1-5-95, but in her statement on oath made before the tribunal on 1-9-05 it was stated by her that she started working from 1-1-95, therefore, from evidence and pleadings it is not at all clear as to exactly from which date the claimant was appointed by the opposite party and from which date she was removed by the opposite party. It is settled legal provisions that for making applicability of the provisions of Industrial Disputes Act, 1947, claim and evidence of a workman must be in consonance to the date of termination mentioned in the reference order as according to the provisions of Section 10(4) of the Act, Industrial Tribunal must confine its finding within the ambit and scope of the schedule of reference order. Thus making the applicability of the above provisions

of law to the case of applicant it is quite evident that the services of the applicant had never been terminated by the opposite party from 22-6-2000 as mentioned in the reference order. Being so it would be absolutely futile to examine the case of the parties on other grounds raised by them as neither party is going to get any kind of benefit claimed by them as the present claim of the workman is beyond the scope of Section 10 (4) of the Industrial Disputes Act, 1947, therefore is not legally maintainable under the provisions of the Act. When the claim of the workman is not maintainable question of applicability of other provisions of the Act as claimed by the claimant does not arise, therefore, the claim of the claimant is liable to be rejected and is hereby rejected.

7. For the reasons disclosed above, it is held that the workman is not entitled for the relief as claimed by her and her claim is hereby rejected being not maintainable under the provisions of the Industrial Disputes Act, 1947.

8. Reference is therefore answered accordingly.

R.G. SHUKLA, Presiding Officer

रोजगार एवं प्रशिक्षण महानिदेशालय

नई दिल्ली, 7 अक्टूबर, 2008

का. आ. 2933.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 यथा संशोधित 1987 के नियम 10 के उप नियम (2) एवं (4) के अनुसरण में एतद्वारा रोजगार एवं प्रशिक्षण महानिदेशालय (श्रम और रोजगार मंत्रालय) के निम्नलिखित अधीनस्थ कार्यालयों को जिनके कर्मचारियों ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है :

- (क) अनुसूचित जाति/अनुसूचित जनजाति हेतु अध्यापन-सह-मार्गदर्शन केन्द्र, बंगलूर।
- (ख) विकलांग व्यावसायिक पुनर्वास केन्द्र, ऊना (हिमालय प्रदेश)।
- (ग) अनुसूचित जाति/अनुसूचित जनजाति हेतु अध्यापन-सह-मार्गदर्शन केन्द्र, नागपुर।
- (घ) क्षेत्रीय महिला व्यावसायिक प्रशिक्षण संस्थान, तिरुवनन्तपुरम।

[सं. डीजीईटी-11017/2/2005-हिंदी]

तारसेम लाल, उप सचिव

DIRECTORATE GENERAL OF EMPLOYMENT
AND TRAINING

New Delhi, the 7th October, 2008

S.O. 2933.—In pursuance of sub-rule (2) and (4) of rule 10 of the Official Languages (Use for Official Purposes of the Union) Rules, 1976 (As Amended 1987) the Central Government hereby notifies the following Subordinate Offices of the Directorate General of Employment and Training (Ministry of Labour and Employment), the staff whereof have acquired the working knowledge of Hindi :

- A. Coaching-cum-Guidance Centre for SC/ST, Bangalore.
- B. Vocational Rehabilitation Centre for Handicapped, Una (H. P.).
- C. Coaching-cum-Guidance Centre for SC/ST, Nagpur.
- D. Regional Vocational Training Institute for Women, Thiruvananthapuram.

[No. DGET-11017/2/2005-Hindi]

TARSEM LAL, Dy. Secy.

नई दिल्ली, 13 अक्टूबर, 2008

का. आ. 2934.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 10 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार एतद्वारा दिनांक 31 मार्च, 2006 के भारत के राजपत्र, असाधारण, भाग-II, खण्ड 3(ii) में प्रकाशित दिनांक 31 मार्च, 2006 की श्रम और रोजगार मंत्रालय, भारत सरकार की अधिसूचना संख्या का. आ. 471(अ) में निम्नलिखित संशोधन करती है।

उक्त अधिसूचना में "धारा 10 के उप-खण्ड (1) के खण्ड (च) के अन्तर्गत केन्द्र सरकार द्वारा नियुक्त" शीर्षक के अन्तर्गत क्रम संख्या 28 के सामने निम्नलिखित प्रविष्टि प्रतिस्थापित की जाएगी अर्थात् :—

"श्री गोकुलानन्दा बेना,
राज्य उपाध्यक्ष, बीएमएस,
उड़ीसा, टीबी-56, नाल्को नगर,
जिला अंगुल (उड़ीसा) फोन 09437103395"

[सं. यू-16012/2/2004-एस एस-1]

एस. डी. जेवियर, अवर सचिव

New Delhi, the 13th October, 2008

S.O. 2934.—In exercise of the powers conferred by Section 10 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following amendments in the notification of the Government of India in the Ministry of Labour and Employment No. S. O. 471(2) dated 31st March, 2006 published in the Gazette of India, Extraordinary, Part I, Section 3(ii) dated 31st March, 2006.

In the said notification under the heading "Appointed by the Central Government under clause (f) of sub-section (1) of Section 10" against S. No. 28, the following entries shall be substituted namely:—

Shri Gokularamda Bena,
State Vice-President, BMS,
Orissa,
TB-56, Nalco Nagar,
Distt. Angul (Orissa) Ph. 09437103395

[No. U-16012/2/2004-S.S.-1]

S. D. XAVIER, Under Secy

नई दिल्ली, 13 अक्टूबर, 2008

का.आ. 2935.—केंद्रीय सरकार, कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) की धारा 13 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और दिनांक 28 सितम्बर, 1985 को भारत सरकार के पूर्ववर्ती श्रम मंत्रालय की अधिसूचना सा.आ. 4651 का अधिक्रमण करते हुए, ऐसे अधिक्रमण से पहले हुई कार्रवाई अथवा हटाए जाने के संबंध में होने वाली कार्रवाई के अलावा केंद्रीय सरकार या उसके नियंत्रण के अधीन किसी स्थापन के संबंध में या किसी रेल कम्पनी, महापत्तन, खान या तेल क्षेत्र या नियंत्रित उद्योग से संबंधित किसी स्थापन के संबंध में या किसी ऐसे स्थापन के संबंध में जिसकी एक से अधिक राज्यों में विभाग या शाखाएँ हैं, केंद्रीय सरकार एतद्वारा उक्त अधिनियम और इसके अंतर्गत निर्मित स्कीम के प्रयोजनों के लिए निम्न सारणी के स्तंभ (2) में विनिर्दिष्ट पदों के धारक अधिकारियों को उसके स्तंभ (3) में विनिर्दिष्ट कार्यालयों एवं तत्स्थानी प्रविष्ट में स्तंभ (4) में विनिर्दिष्ट क्षेत्रों के लिए निरोक्षक नियुक्त करती है।

क्र. सं.	अधिकारी	कार्यालय	क्षेत्र
(1)	(2)	(3)	(4)
1. (i) केंद्रीय भविष्य निधि आयुक्त (ii) प्रवर्तन अधिकारी	कर्मचारी भविष्य निधि संगठन, मुख्य कार्यालय, नई दिल्ली	जम्मू एवं कश्मीर राज्य को छोड़कर सम्पूर्ण भारत	
2. (i) अतिरिक्त केंद्रीय भविष्य निधि आयुक्त (ii) प्रवर्तन अधिकारी	कर्मचारी भविष्य निधि संगठन का जोनल कार्यालय, दक्षिण जोन, हैदराबाद	आन्ध्र प्रदेश, कर्नाटक, केरल, तमिलनाडु राज्य और पुडुचेरी और लक्षद्वीप संघ शासित क्षेत्र	
3. (i) अतिरिक्त केंद्रीय भविष्य निधि आयुक्त (ii) प्रवर्तन अधिकारी	कर्मचारी भविष्य निधि संगठन का जोनल कार्यालय, उत्तरी जोन, नई दिल्ली	राष्ट्रीय राजधानी क्षेत्र दिल्ली, हरियाणा, हिमाचल प्रदेश, पंजाब, उत्तराखंड, उत्तर प्रदेश राज्य तथा संघ शासित क्षेत्र चंडीगढ़	
4. (i) अतिरिक्त केंद्रीय भविष्य निधि आयुक्त (ii) प्रवर्तन अधिकारी	कर्मचारी भविष्य निधि संगठन का जोनल कार्यालय, पूर्वी जोन, कोलकाता	असम, अरुणाचल प्रदेश, बिहार, झारखंड, नागालैंड, मणिपुर, मेघालय, मिजोरम, उड़ीसा, सिक्किम, त्रिपुरा, पश्चिम बंगाल तथा अंडमान एवं निकोबार द्वीप समूह संघ शासित क्षेत्र	
5. (i) अतिरिक्त केंद्रीय भविष्य निधि आयुक्त (ii) प्रवर्तन अधिकारी	कर्मचारी भविष्य निधि संगठन का जोनल कार्यालय, पश्चिम जोन, मुंबई	छत्तीसगढ़, गोवा, गुजरात, मध्य प्रदेश, महाराष्ट्र, राजस्थान और दमन दीव और दादरा एवं नागर हवेली संघ शासित क्षेत्र	
6. (i) क्षेत्रीय भविष्य निधि आयुक्त (ii) सहायक भविष्य निधि आयुक्त (iii) प्रवर्तन अधिकारी	क्षेत्रीय/उप-क्षेत्रीय कार्यालय, कर्मचारी भविष्य निधि संगठन, राष्ट्रीय राजधानी क्षेत्र दिल्ली	राष्ट्रीय राजधानी क्षेत्र दिल्ली	
7. (i) क्षेत्रीय केंद्रीय भविष्य निधि आयुक्त (ii) सहायक भविष्य निधि आयुक्त (iii) प्रवर्तन अधिकारी	क्षेत्रीय/उप-क्षेत्रीय कार्यालय, कर्मचारी भविष्य निधि संगठन, आन्ध्र प्रदेश राज्य और यमन क्षेत्र और पुडुचेरी संघ शासित क्षेत्र	आन्ध्र प्रदेश राज्य एवं यमन क्षेत्र संघ शासित क्षेत्र पुडुचेरी	
8. (i) क्षेत्रीय भविष्य निधि आयुक्त (ii) सहायक भविष्य निधि आयुक्त (iii) प्रवर्तन अधिकारी	क्षेत्रीय/उप-क्षेत्रीय कार्यालय, कर्मचारी भविष्य निधि संगठन, असम, अरुणाचल प्रदेश, नागालैंड, मणिपुर, मेघालय, मिजोरम और त्रिपुरा राज्य	असम, अरुणाचल प्रदेश, नागालैंड, मणिपुर, मेघालय, मिजोरम और त्रिपुरा राज्य	
9. (i) क्षेत्रीय भविष्य निधि आयुक्त (ii) सहायक भविष्य निधि आयुक्त (iii) प्रवर्तन अधिकारी	क्षेत्रीय/उप-क्षेत्रीय कार्यालय, कर्मचारी भविष्य निधि संगठन, बिहार राज्य	बिहार राज्य	
10. (i) क्षेत्रीय भविष्य निधि आयुक्त (ii) सहायक भविष्य निधि आयुक्त (iii) प्रवर्तन अधिकारी	क्षेत्रीय/उप-क्षेत्रीय कार्यालय, कर्मचारी भविष्य निधि संगठन, छत्तीसगढ़ राज्य	छत्तीसगढ़ राज्य	

(1)			
(ii) सहायक नॉन्गन निधि आयुक्त			
(iii) प्रवर्तन अधिकारी			
25. (i) क्षेत्रीय नॉन्गन निधि आयुक्त	क्षेत्रीय नॉन्गन कार्यालय,	क्षेत्रीय नॉन्गन	
(ii) सहायक नॉन्गन निधि आयुक्त	क्षेत्रीय नॉन्गन निधि संगठन,		
(iii) प्रवर्तन अधिकारी	क्षेत्रीय नॉन्गन		
26. (i) क्षेत्रीय नॉन्गन निधि आयुक्त	क्षेत्रीय नॉन्गन कार्यालय,	क्षेत्रीय नॉन्गन	
(ii) सहायक नॉन्गन निधि आयुक्त	क्षेत्रीय नॉन्गन निधि संगठन,	क्षेत्रीय नॉन्गन	
(iii) प्रवर्तन अधिकारी	क्षेत्रीय नॉन्गन भूगोल राज्य तथा	क्षेत्रीय नॉन्गन	
	क्षेत्रीय नॉन्गन भूगोल राज्य तथा	क्षेत्रीय नॉन्गन	
	क्षेत्रीय नॉन्गन भूगोल राज्य तथा	क्षेत्रीय नॉन्गन	

[S.O. 2-03/2008-एसएम-11]

प्र. डी. जयसिंग, अवर सचिव

New Delhi, 18th October, 2008

S.O. 2935. In exercise of the powers conferred by sub-section (1) of Section 4 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1942 (No. 2) and in supersession of the notification of the Government of India in the erstwhile Ministry of Labour dated the 28th September, 1942, so far as respects things done or omitted to be done before such supersession, the Government hereby appoint the officers holding the posts specified in column (2) of the table below in the office specified in column (3) of the table, as the Inspectors for the area specified in column (4) thereof, for the purposes of the said Act and the Schemes framed thereunder in relation to any establishment belonging to, or under the control of, the Central Government or in relation to an establishment connected with a railway company, a major port, a mine or an establishment controlled industry or in relation to an establishment having departments or branches in more than one State or

S.No.	Officers	Office	Area
(1)	(2)	(3)	(4)
1. (i) Central Provident Fund Commissioner	Employees' Provident Fund Organisation,	Employees' Provident Fund Organisation,	Employees' Provident Fund Organisation,
(ii) Enforcement Officers	Employees' Provident Fund Organisation,	Employees' Provident Fund Organisation,	Employees' Provident Fund Organisation,
2. (i) Additional Central Provident Fund Commissioner	Employees' Provident Fund Organisation, South Zone,	Employees' Provident Fund Organisation, South Zone,	Employees' Provident Fund Organisation, South Zone,
(ii) Enforcement Officers	Employees' Provident Fund Organisation, South Zone,	Employees' Provident Fund Organisation, South Zone,	Employees' Provident Fund Organisation, South Zone,
3. (i) Additional Central Provident Fund Commissioner	Employees' Provident Fund Organisation, North Zone,	Employees' Provident Fund Organisation, North Zone,	Employees' Provident Fund Organisation, North Zone,
(ii) Enforcement Officers	Employees' Provident Fund Organisation, North Zone,	Employees' Provident Fund Organisation, North Zone,	Employees' Provident Fund Organisation, North Zone,
4. (i) Additional Central Provident Fund Commissioner	Employees' Provident Fund Organisation, East Zone,	Employees' Provident Fund Organisation, East Zone,	Employees' Provident Fund Organisation, East Zone,
(ii) Enforcement Officers	Employees' Provident Fund Organisation, East Zone,	Employees' Provident Fund Organisation, East Zone,	Employees' Provident Fund Organisation, East Zone,
5. (i) Additional Central Provident Fund Commissioner	Employees' Provident Fund Organisation, West Zone,	Employees' Provident Fund Organisation, West Zone,	Employees' Provident Fund Organisation, West Zone,
	Employees' Provident Fund Organisation, West Zone,	Employees' Provident Fund Organisation, West Zone,	Employees' Provident Fund Organisation, West Zone,

(1)	(2)	(3)	(4)
	(ii) Enforcement Officers	Mumbai.	Maharashtra, Rajasthan and Union Territories of Daman and Diu and Dadra and Nagar Haveli.
6.	(i) Regional Provident Fund Commissioners (ii) Assistant Provident Fund Commissioners (iii) Enforcement Officers	Regional/Sub-Regional Offices of the Employees' Provident Fund Organisation in the State of the National Capital Territory of Delhi.	The National Capital Territory of Delhi.
7.	(i) Regional Provident Fund Commissioners (ii) Assistant Provident Fund Commissioners (iii) Enforcement Officers	Regional/Sub-Regional Offices of the Employees' Provident Fund Organisation in the State of Andhra Pradesh and the Yanam area of the Union Territory of Puducherry.	The State of Andhra Pradesh and the Yanam area of the Union Territory of Puducherry.
8.	(i) Regional Provident Fund Commissioners (ii) Assistant Provident Fund Commissioners (iii) Enforcement Officers	Regional/Sub-Regional Offices of the Employees' Provident Fund Organisation in the States of Assam, Arunachal Pradesh, Nagaland, Manipur, Meghalaya, Mizoram and Tripura.	The States of Assam, Arunachal Pradesh, Nagaland, Manipur, Meghalaya, Mizoram and Tripura.
9.	(i) Regional Provident Fund Commissioners (ii) Assistant Provident Fund Commissioners (iii) Enforcement Officers	Regional/Sub-Regional Offices of the Employees' Provident Fund Organisation in the State of Bihar.	The State of Bihar.
10.	(i) Regional Provident Fund Commissioners (ii) Assistant Provident Fund Commissioners (iii) Enforcement Officers	Regional/Sub-Regional Offices of the Employees' Provident Fund Organisation in the State of Chattisgarh.	The State of Chattisgarh.
11.	(i) Regional Provident Fund Commissioners (ii) Assistant Provident Fund Commissioners (iii) Enforcement Officers	Regional/Sub-Regional Offices of the Employees' Provident Fund Organisation in the State of Goa.	The State of Goa.
12.	(i) Regional Provident Fund Commissioners (ii) Assistant Provident Fund Commissioners (iii) Enforcement Officers	Regional/Sub-Regional Offices of the Employees' Provident Fund Organisation in the State of Gujarat and Union Territories of Daman and Diu and Dadra and Nagar Haveli.	The State of Gujarat and Union Territories of Daman and Diu and Dadra and Nagar Haveli.
13.	(i) Regional Provident Fund Commissioners (ii) Assistant Provident Fund Commissioners (iii) Enforcement Officers	Regional/Sub-Regional Offices of the Employees' Provident Fund Organisation in the State of Harayana.	The State of Harayana.
14.	(i) Regional Provident Fund Commissioners (ii) Assistant Provident Fund Commissioners (iii) Enforcement Officers	Regional/Sub-Regional Offices of the Employees' Provident Fund Organisation in the State of Himachal Pradesh.	The State of Himachal Pradesh.
15.	(i) Regional Provident Fund Commissioners (ii) Assistant Provident Fund Commissioners (iii) Enforcement Officers	Regional/Sub-Regional Offices of the Employees' Provident Fund Organisation in the State of Jharkhand.	The State of Jharkhand.
16.	(i) Regional Provident Fund Commissioners	Regional/Sub-Regional Offices of the Employees' Provident Fund Organisation	The State of Karnataka.

(1)	(2)	(3)	(4)
	(ii) Assistant Provident Fund Commissioners	in the State of Karnataka.	
	(iii) Enforcement Officers		
17.	(i) Regional Provident Fund Commissioners	Regional/Sub-Regional Offices of the Employees' Provident Fund Organisation in the State of Kerala, the Union Territory of Lakshadweep and in the Mahe area of the Union Territory of Puducherry.	The State of Kerala, the Union Territory of Lakshadweep and in the Mahe area of the Union Territory of Puducherry.
	(ii) Assistant Provident Fund Commissioners	of Lakshadweep and in the Mahe area of the Union Territory of Puducherry.	
	(iii) Enforcement Officers	Regional/Sub-Regional Offices of the Employees' Provident Fund Organisation in the State of Madhya Pradesh.	The State of Madhya Pradesh.
18.	(i) Regional Provident Fund Commissioners		
	(ii) Assistant Provident Fund Commissioners		
	(iii) Enforcement Officers		
19.	(i) Regional Provident Fund Commissioners	Regional/Sub-Regional Offices of the Employees' Provident Fund Organisation in the State of Maharashtra.	The State of Maharashtra.
	(ii) Assistant Provident Fund Commissioners		
	(iii) Enforcement Officers		
20.	(i) Regional Provident Fund Commissioners	Regional/Sub-Regional Offices of the Employees' Provident Fund Organisation in the State of Orissa.	The State of Orissa.
	(ii) Assistant Provident Fund Commissioners		
	(iii) Enforcement Officers		
21.	(i) Regional Provident Fund Commissioners	Regional/Sub-Regional Offices of the Employees' Provident Fund Organisation in the State of Punjab and Union Territory of Chandigarh.	The State of Punjab and Union Territory of Chandigarh.
	(ii) Assistant Provident Fund Commissioners		
	(iii) Enforcement Officers		
22.	(i) Regional Provident Fund Commissioners	Regional/Sub-Regional Offices of the Employees' Provident Fund Organisation in the State of Rajasthan.	The State of Rajasthan.
	(ii) Assistant Provident Fund Commissioners		
	(iii) Enforcement Officers		
23.	(i) Regional Provident Fund Commissioners	Regional/Sub-Regional Offices of the Employees' Provident Fund Organisation in the State of Tamil Nadu and the Union Territory of Puducherry except the Mahe and Yanam areas.	The State of Tamil Nadu and the Union Territory of Puducherry except the Mahe and Yanam areas.
	(ii) Assistant Provident Fund Commissioners		
	(iii) Enforcement Officers		
24.	(i) Regional Provident Fund Commissioners	Regional/Sub-Regional Offices of the Employees' Provident Fund Organisation in the State of Uttarakhand.	The State of Uttarakhand.
	(ii) Assistant Provident Fund Commissioners		
	(iii) Enforcement Officers		
25.	(i) Regional Provident Fund Commissioners	Regional/Sub-Regional Offices of the Employees' Provident Fund Organisation in the State of Uttar Pradesh.	The State of Uttar Pradesh.
	(ii) Assistant Provident Fund Commissioners		
	(iii) Enforcement Officers		
26.	(i) Regional Provident Fund Commissioners	Regional/Sub-Regional Offices of the Employees' Provident Fund Organisation in the State of Sikkim, West Bengal and Union Territory of Andaman and Nicobar Islands.	The State of Sikkim, West Bengal and Union Territory of Andaman and Nicobar Islands.
	(ii) Assistant Provident Fund Commissioners		
	(iii) Enforcement Officers		

(No. S-35012/03/2008-SS-II)

S.D. XAVIER, Under Secy.